

HOUSE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILLS NOS. 1577, 1760,
1433, 1430, 1029 & 1700
AN ACT

2 To repeal sections 50.550, 150.465, 191.905,
3 195.211, 195.222, 252.235, 302.510, 302.530,
4 338.055, 453.110, 556.061, 557.035, 558.019,
5 559.021, 565.050, 565.060, 565.070, 565.253,
6 566.030, 566.060, 569.095, 569.097, 569.099,
7 570.010, 570.020, 570.030, 570.080, 570.085,
8 570.090, 570.120, 570.123, 570.125, 570.130,
9 570.210, 570.300, 575.150, 577.041, 578.150,
10 578.377, 578.379, 578.381, 578.385, 650.050,
11 and 650.055, RSMo, and to enact in lieu
12 thereof fifty-three new sections relating to
13 crimes and punishment, with penalty
14 provisions.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
16 AS FOLLOWS:

17 Section A. Sections 50.550, 150.465, 191.905, 195.211,
18 195.222, 252.235, 302.510, 302.530, 338.055, 453.110, 556.061,
19 557.035, 558.019, 559.021, 565.050, 565.060, 565.070, 565.253,
20 566.030, 566.060, 569.095, 569.097, 569.099, 570.010, 570.020,
21 570.030, 570.080, 570.085, 570.090, 570.120, 570.123, 570.125,
22 570.130, 570.210, 570.300, 575.150, 577.041, 578.150, 578.377,
23 578.379, 578.381, 578.385, 650.050, and 650.055, RSMo, are
24 repealed and fifty-three new sections enacted in lieu thereof, to

1 be known as sections 50.550, 50.555, 150.465, 191.905, 195.211,
2 195.222, 252.235, 302.510, 302.530, 338.055, 453.110, 556.061,
3 557.035, 558.019, 559.021, 565.050, 565.060, 565.070, 565.252,
4 565.253, 565.350, 566.030, 566.060, 569.095, 569.097, 569.099,
5 570.010, 570.020, 570.030, 570.080, 570.085, 570.090, 570.120,
6 570.123, 570.125, 570.130, 570.210, 570.300, 575.150, 577.041,
7 578.150, 578.377, 578.379, 578.381, 578.385, 650.050, 650.055, 1,
8 2, 3, 4, 5, and 6, to read as follows:

9 50.550. 1. The annual budget shall present a complete
10 financial plan for the ensuing budget year. It shall set forth
11 all proposed expenditures for the administration, operation and
12 maintenance of all offices, departments, commissions, courts and
13 institutions; the actual or estimated operating deficits or
14 surpluses from prior years; all interest and debt redemption
15 charges during the year and expenditures for capital projects.

16 2. The budget shall contain adequate provisions for the
17 expenditures necessary for the care of insane pauper patients in
18 state hospitals, for the cost of holding elections and for the
19 costs of holding circuit court in the county that are chargeable
20 against the county, for the repair and upkeep of bridges other
21 than on state highways and not in any special road district, and
22 for the salaries, office expenses and deputy and clerical hire of
23 all county officers and agencies.

24 3. In addition, the budget shall set forth in detail the

1 anticipated income and other means of financing the proposed
2 expenditures.

3 4. All receipts of the county for operation and maintenance
4 shall be credited to the general fund, and all expenditures for
5 these purposes shall be charged to this fund; except, that
6 receipts from the special tax levy for roads and bridges shall be
7 kept in a special fund and expenditures for roads and bridges may
8 be charged to the special fund.

9 5. All receipts from the sale of bonds for any purpose
10 shall be credited to the bond fund created for the purpose, and
11 all expenditures for this purpose shall be charged to the fund.
12 All receipts for the retirement of any bond issue shall be
13 credited to a retirement fund for the issue, and all payments to
14 retire the issue shall be charged to the fund. All receipts for
15 interest on outstanding bonds and all premiums and accrued
16 interest on bonds sold shall be credited to the interest fund,
17 and all payments of interest on the bonds shall be charged to the
18 interest fund.

19 6. Subject to the provisions of section 50.555 the county
20 commission may create a fund to be know as "The County
21 Crime Reduction Fund".

22 7. The county commission may create other funds as are
23 necessary from time to time.

24 50.555. 1. A county commission may establish by ordinance

1 or order a fund whose proceeds may be expended only for the
2 purposes provided for in subsection 3 of this section. The fund
3 shall be designated as a county crime reduction fund and shall be
4 under the supervision of a board of trustees consisting of one
5 citizen of the county appointed by the presiding commissioner of
6 the county, one citizen of the county appointed by the sheriff of
7 the county, and one citizen of the county appointed by the county
8 prosecuting attorney.

9 2. Money from the county crime reduction fund shall only be
10 expended upon the approval of a majority of the members of the
11 county crime reduction fund's board of trustees and only for the
12 purposes provided for by subsection 3 of this section.

13 3. Money from the county crime reduction fund shall only be
14 expended for the following purposes:

15 (1) Narcotics investigation, prevention, and intervention;

16 (2) Purchase of law enforcement related equipment and
17 supplies for the sheriff's office;

18 (3) Matching funds for federal or state law enforcement
19 grants;

20 (4) Funding for the reporting of all state and federal
21 crime statistics or information; and

22 (5) Any law enforcement related expense, including those of
23 the prosecuting attorney, approved by the board of trustees for
24 the county crime reduction fund that is reasonably related to

1 investigation, preparation, trial, and disposition of criminal
2 cases before the courts of the state of Missouri.

3 4. The county commission may not reduce any law enforcement
4 agency's budget as a result of funds the law enforcement agency
5 receives from the county crime reduction fund. The crime
6 reduction fund is to be used only as a supplement to the law
7 enforcement agency's funding received from other county, state,
8 or federal funds.

9 5. County crime reduction funds shall be audited as are all
10 other county funds.

11 150.465. 1. No itinerant vendor as defined in section
12 150.380, and no peddler as defined in section 150.470, shall
13 offer for sale:

14 (1) Any food solely manufactured and packaged for sale for
15 consumption by a child under the age of two years; or

16 (2) Drugs, devices and cosmetics as defined in section
17 196.010, RSMo.

18 2. This section shall not apply to authorized agents of a
19 manufacturer of any item enumerated in subsection 1 of this
20 section.

21 3. Violation of this section is a class A misdemeanor.

22 4. Itinerant vendors and peddlers shall make available
23 within seventy-two hours upon request of any law enforcement
24 officer any proof of purchase from a producer, manufacturer,

1 wholesaler, or retailer of any new or unused property, as defined
2 in section 570.010, RSMo.

3 5. Any forged receipt produced pursuant to subsection 4 of
4 this section shall be prosecuted pursuant to section 570.090,
5 RSMo.

6 191.905. 1. No health care provider shall knowingly make
7 or cause to be made a false statement or false representation of
8 a material fact in order to receive a health care payment,
9 including but not limited to:

10 (1) Knowingly presenting to a health care payer a claim for
11 a health care payment that falsely represents that the health
12 care for which the health care payment is claimed was medically
13 necessary, if in fact it was not;

14 (2) Knowingly concealing the occurrence of any event
15 affecting an initial or continued right under a medical
16 assistance program to have a health care payment made by a health
17 care payer for providing health care;

18 (3) Knowingly concealing or failing to disclose any
19 information with the intent to obtain a health care payment to
20 which the health care provider or any other health care provider
21 is not entitled, or to obtain a health care payment in an amount
22 greater than that which the health care provider or any other
23 health care provider is entitled;

24 (4) Knowingly presenting a claim to a health care payer

1 that falsely indicates that any particular health care was
2 provided to a person or persons, if in fact health care of lesser
3 value than that described in the claim was provided.

4 2. No person shall knowingly solicit or receive any
5 remuneration, including any kickback, bribe, or rebate, directly
6 or indirectly, overtly or covertly, in cash or in kind in return
7 for:

8 (1) Referring another person to a health care provider for
9 the furnishing or arranging for the furnishing of any health
10 care; or

11 (2) Purchasing, leasing, ordering or arranging for or
12 recommending purchasing, leasing or ordering any health care.

13 3. No person shall knowingly offer or pay any remuneration,
14 including any kickback, bribe, or rebate, directly or indirectly,
15 overtly or covertly, in cash or in kind, to any person to induce
16 such person to refer another person to a health care provider for
17 the furnishing or arranging for the furnishing of any health
18 care.

19 4. Subsections 2 and 3 of this section shall not apply to a
20 discount or other reduction in price obtained by a health care
21 provider if the reduction in price is properly disclosed and
22 appropriately reflected in the claim made by the health care
23 provider to the health care payer, or any amount paid by an
24 employer to an employee for employment in the provision of health

1 care.

2 5. Exceptions to the provisions of subsections 2 and 3 of
3 this subsection shall be provided for as authorized in 42 U.S.C.
4 section 1320a-7b(3)(E), as may be from time to time amended, and
5 regulations promulgated pursuant thereto.

6 6. No person shall knowingly abuse a person receiving
7 health care.

8 7. A person who violates subsections 1 to 4 of this section
9 is guilty of a class D felony upon his first conviction, and
10 shall be guilty of a class C felony upon his second and
11 subsequent convictions. A prior conviction shall be pleaded and
12 proven as provided by section 558.021, RSMo. A person who
13 violates subsection 6 of this section shall be guilty of a class
14 C felony, unless the act involves no physical, sexual or
15 emotional harm or injury and the value of the property involved
16 is less than [one hundred fifty] five hundred dollars, in which
17 event a violation of subsection 6 of this section is a class A
18 misdemeanor.

19 8. Each separate false statement or false representation of
20 a material fact proscribed by subsection 1 of this section or act
21 proscribed by subsection 2 or 3 of this section shall constitute
22 a separate offense and a separate violation of this section,
23 whether or not made at the same or different times, as part of
24 the same or separate episodes, as part of the same scheme or

1 course of conduct, or as part of the same claim.

2 9. In a prosecution [under] pursuant to subsection 1 of
3 this section, circumstantial evidence may be presented to
4 demonstrate that a false statement or claim was knowingly made.
5 Such evidence of knowledge may include but shall not be limited
6 to the following:

7 (1) A claim for a health care payment submitted with the
8 health care provider's actual, facsimile, stamped, typewritten or
9 similar signature on the claim for health care payment;

10 (2) A claim for a health care payment submitted by means of
11 computer billing tapes or other electronic means;

12 (3) A course of conduct involving other false claims
13 submitted to this or any other health care payer.

14 10. Any person convicted of a violation of this section, in
15 addition to any fines, penalties or sentences imposed by law,
16 shall be required to make restitution to the federal and state
17 governments, in an amount at least equal to that unlawfully paid
18 to or by the person, and shall be required to reimburse the
19 reasonable costs attributable to the investigation and
20 prosecution pursuant to sections 191.900 to 191.910. All of such
21 restitution shall be paid and deposited to the credit of the
22 "Medicaid Fraud Reimbursement Fund", which is hereby established
23 in the state treasury. Moneys in the Medicaid fraud
24 reimbursement fund shall be divided and appropriated to the

1 federal government and affected state agencies in order to refund
2 moneys falsely obtained from the federal and state governments.
3 All of such cost reimbursements attributable to the investigation
4 and prosecution shall be paid and deposited to the credit of the
5 "Medicaid Fraud Prosecution Revolving Fund", which is hereby
6 established in the state treasury. Moneys in the Medicaid fraud
7 prosecution revolving fund may be appropriated to the attorney
8 general, or to any prosecuting or circuit attorney who has
9 successfully prosecuted an action for a violation of sections
10 191.900 to 191.910 and been awarded such costs of prosecution, in
11 order to defray the costs of the attorney general and any such
12 prosecuting or circuit attorney in connection with their duties
13 provided by sections 191.900 to 191.910. No moneys shall be paid
14 into the Medicaid fraud protection revolving fund pursuant to
15 this subsection unless the attorney general or appropriate
16 prosecuting or circuit attorney shall have commenced a
17 prosecution pursuant to this section, and the court finds in its
18 discretion that payment of attorneys' fees and investigative
19 costs is appropriate under all the circumstances, and the
20 attorney general and prosecuting or circuit attorney shall prove
21 to the court those expenses which were reasonable and necessary
22 to the investigation and prosecution of such case, and the court
23 approves such expenses as being reasonable and necessary. The
24 provisions of section 33.080, RSMo, notwithstanding, moneys in

1 the Medicaid fraud prosecution revolving fund shall not lapse at
2 the end of the biennium.

3 11. A person who violates subsections 1 to 4 of this
4 section shall be liable for a civil penalty of not less than five
5 thousand dollars and not more than ten thousand dollars for each
6 separate act in violation of such subsections, plus three times
7 the amount of damages which the state and federal government
8 sustained because of the act of that person, except that the
9 court may assess not more than two times the amount of damages
10 which the state and federal government sustained because of the
11 act of the person, if the court finds:

12 (1) The person committing the violation of this section
13 furnished personnel employed by the attorney general and
14 responsible for investigating violations of sections 191.900 to
15 191.910 with all information known to such person about the
16 violation within thirty days after the date on which the
17 defendant first obtained the information;

18 (2) Such person fully cooperated with any government
19 investigation of such violation; and

20 (3) At the time such person furnished the personnel of the
21 attorney general with the information about the violation, no
22 criminal prosecution, civil action, or administrative action had
23 commenced with respect to such violation, and the person did not
24 have actual knowledge of the existence of an investigation into

1 such violation.

2 12. Upon conviction [under] pursuant to this section, the
3 prosecution authority shall provide written notification of the
4 conviction to all regulatory or disciplinary agencies with
5 authority over the conduct of the defendant health care provider.

6 13. The attorney general may bring a civil action against
7 any person who shall receive a health care payment as a result of
8 a false statement or false representation of a material fact made
9 or caused to be made by that person. The person shall be liable
10 for up to double the amount of all payments received by that
11 person based upon the false statement or false representation of
12 a material fact, and the reasonable costs attributable to the
13 prosecution of the civil action. All such restitution shall be
14 paid and deposited to the credit of the Medicaid fraud
15 reimbursement fund, and all such cost reimbursements shall be
16 paid and deposited to the credit of the Medicaid fraud
17 prosecution revolving fund. No reimbursement of such costs
18 attributable to the prosecution of the civil action shall be made
19 or allowed except with the approval of the court having
20 jurisdiction of the civil action. No civil action provided by
21 this subsection shall be brought if restitution and civil
22 penalties provided by subsections 10 and 11 of this section have
23 been previously ordered against the person for the same cause of
24 action.

1 195.211. 1. Except as authorized by sections 195.005 to
2 195.425 and except as provided in section 195.222, it is unlawful
3 for any person to distribute, deliver, manufacture, produce or
4 attempt to distribute, deliver, manufacture or produce a
5 controlled substance or to possess with intent to distribute,
6 deliver, manufacture, or produce a controlled substance.

7 2. Any person who violates or attempts to violate this
8 section with respect to any controlled substance [except five
9 grams or less of marijuana] is guilty of a class B felony unless:

10 (1) The controlled substance is thirty grams or less of any
11 material, compound, mixture or preparation which contains any
12 quantity of the following substances having a stimulant effect on
13 the central nervous system: amphetamine, its salts, optical
14 isomers and salts of its optical isomers; methamphetamine, its
15 salts, optical isomers and salts of its optical isomers;
16 phenmetrazine and its salts; or methylphenidate; and any person
17 under the age of seventeen years is present during its
18 manufacture or production or attempted manufacture or production,
19 in which case it is a class A felony and the term of imprisonment
20 shall be served without probation or parole; or

21 (2) The controlled substance is five grams or less of
22 marijuana, and the person is distributing or delivering it, in
23 which case it is a class C felony.

24 [3. Any person who violates this section with respect to

1 distributing or delivering not more than five grams of marijuana
2 is guilty of a class C felony.]

3 195.222. 1. A person commits the crime of trafficking
4 drugs in the first degree if, except as authorized by sections
5 195.005 to 195.425, he distributes, delivers, manufactures,
6 produces or attempts to distribute, deliver, manufacture or
7 produce more than thirty grams of a mixture or substance
8 containing a detectable amount of heroin. Violations of this
9 subsection shall be punished as follows:

10 (1) If the quantity involved is more than thirty grams but
11 less than ninety grams the person shall be sentenced to the
12 authorized term of imprisonment for a class A felony;

13 (2) If the quantity involved is ninety grams or more the
14 person shall be sentenced to the authorized term of imprisonment
15 for a class A felony which term shall be served without probation
16 or parole.

17 2. A person commits the crime of trafficking drugs in the
18 first degree if, except as authorized by sections 195.005 to
19 195.425, he distributes, delivers, manufactures, produces or
20 attempts to distribute, deliver, manufacture or produce more than
21 one hundred fifty grams of a mixture or substance containing a
22 detectable amount of coca leaves, except coca leaves and extracts
23 of coca leaves from which cocaine, ecgonine, and derivatives of
24 ecgonine or their salts have been removed; cocaine salts and

1 their optical and geometric isomers, and salts of isomers;
2 ecgonine, its derivatives, their salts, isomers, and salts of
3 isomers; or any compound, mixture, or preparation which contains
4 any quantity of any of the foregoing substances. Violations of
5 this subsection shall be punished as follows:

6 (1) If the quantity involved is more than one hundred fifty
7 grams but less than four hundred fifty grams the person shall be
8 sentenced to the authorized term of imprisonment for a class A
9 felony;

10 (2) If the quantity involved is four hundred fifty grams or
11 more the person shall be sentenced to the authorized term of
12 imprisonment for a class A felony which term shall be served
13 without probation or parole.

14 3. A person commits the crime of trafficking drugs in the
15 first degree if, except as authorized by sections 195.005 to
16 195.425, he distributes, delivers, manufactures, produces or
17 attempts to distribute, deliver, manufacture or produce more than
18 two grams of a mixture or substance described in subsection 2 of
19 this section which contains cocaine base. Violations of this
20 subsection shall be punished as follows:

21 (1) If the quantity involved is more than two grams but
22 less than six grams the person shall be sentenced to the
23 authorized term of imprisonment for a class A felony;

24 (2) If the quantity involved is six grams or more the

1 person shall be sentenced to the authorized term of imprisonment
2 for a class A felony which term shall be served without probation
3 or parole.

4 4. A person commits the crime of trafficking drugs in the
5 first degree if, except as authorized by sections 195.005 to
6 195.425, he distributes, delivers, manufactures, produces or
7 attempts to distribute, deliver, manufacture or produce more than
8 five hundred milligrams of a mixture or substance containing a
9 detectable amount of lysergic acid diethylamide (LSD).

10 Violations of this subsection shall be punished as follows:

11 (1) If the quantity involved is more than five hundred
12 milligrams but less than one gram the person shall be sentenced
13 to the authorized term of imprisonment for a class A felony;

14 (2) If the quantity involved is one gram or more the person
15 shall be sentenced to the authorized term of imprisonment for a
16 class A felony which term shall be served without probation or
17 parole.

18 5. A person commits the crime of trafficking drugs in the
19 first degree if, except as authorized by sections 195.005 to
20 195.425, he distributes, delivers, manufactures, produces or
21 attempts to distribute, deliver, manufacture or produce more than
22 thirty grams of a mixture or substance containing a detectable
23 amount of phencyclidine (PCP). Violations of this subsection
24 shall be punished as follows:

1 (1) If the quantity involved is more than thirty grams but
2 less than ninety grams the person shall be sentenced to the
3 authorized term of imprisonment for a class A felony;

4 (2) If the quantity involved is ninety grams or more the
5 person shall be sentenced to the authorized term of imprisonment
6 for a class A felony which term shall be served without probation
7 or parole.

8 6. A person commits the crime of trafficking drugs in the
9 first degree if, except as authorized by sections 195.005 to
10 195.425, he distributes, delivers, manufactures, produces or
11 attempts to distribute, deliver, manufacture or produce more than
12 four grams of phencyclidine. Violations of this subsection shall
13 be punished as follows:

14 (1) If the quantity involved is more than four grams but
15 less than twelve grams the person shall be sentenced to the
16 authorized term of imprisonment for a class A felony;

17 (2) If the quantity involved is twelve grams or more the
18 person shall be sentenced to the authorized term of imprisonment
19 for a class A felony which term shall be served without probation
20 or parole.

21 7. A person commits the crime of trafficking drugs in the
22 first degree if, except as authorized by sections 195.005 to
23 195.425, he distributes, delivers, manufactures, produces or
24 attempts to distribute, deliver, manufacture or produce more than

1 thirty kilograms of a mixture or substance containing marijuana.

2 Violations of this subsection shall be punished as follows:

3 (1) If the quantity involved is more than thirty kilograms
4 but less than one hundred kilograms the person shall be sentenced
5 to the authorized term of imprisonment for a class A felony;

6 (2) If the quantity involved is one hundred kilograms or
7 more the person shall be sentenced to the authorized term of
8 imprisonment for a class A felony which term shall be served
9 without probation or parole.

10 8. A person commits the crime of trafficking drugs in the
11 first degree if, except as authorized by sections 195.005 to
12 195.425, he distributes, delivers, manufactures, produces or
13 attempts to distribute, deliver, manufacture or produce more than
14 thirty grams of any material, compound, mixture or preparation
15 which contains any quantity of the following substances having a
16 stimulant effect on the central nervous system: amphetamine, its
17 salts, optical isomers and salts of its optical isomers;
18 methamphetamine, its salts, optical isomers and salts of its
19 optical isomers; phenmetrazine and its salts; or methylphenidate.
20 Violations of this subsection or attempts to violate this
21 subsection shall be punished as follows:

22 (1) If the quantity involved is more than thirty grams but
23 less than ninety grams the person shall be sentenced to the
24 authorized term of imprisonment for a class A felony;

1 (2) If any person under the age of seventeen years is
2 present during the manufacture or production or the attempted
3 manufacture or production or, if the quantity involved is ninety
4 grams or more, or if the quantity involved was thirty grams or
5 more and the location of the offense was within two thousand feet
6 of a school or public housing as defined in section 195.214 or
7 section 195.218 or within a motor vehicle, or any structure or
8 building which contains rooms furnished for the accommodation or
9 lodging of guests, and kept, used, maintained, advertised, or
10 held out to the public as a place where sleeping accommodations
11 are sought for pay or compensation to transient guests or
12 permanent guests, the person shall be sentenced to the authorized
13 term of imprisonment for a class A felony which term shall be
14 served without probation or parole.

15 9. A person commits the crime of trafficking drugs in the
16 first degree if, except as authorized by sections 195.005 to
17 195.425, he or she distributes, delivers, manufactures, produces
18 or attempts to distribute, deliver, manufacture or produce more
19 than thirty grams of any material, compound, mixture or
20 preparation which contains any quantity of 3,4-
21 methylenedioxymethamphetamine. Violations of this subsection or
22 attempts to violate this subsection shall be punished as follows:

23 (1) If the quantity involved is more than thirty grams but
24 less than ninety grams the person shall be sentenced to the

1 authorized term of imprisonment for a class A felony;

2 (2) If the quantity involved is ninety grams or more, or if
3 the quantity involved was thirty grams or more and the location
4 of the offense was within two thousand feet of a school or public
5 housing as defined in section 195.214 or section 195.218 or
6 within a motor vehicle, or any structure or building which
7 contains rooms furnished for the accommodation or lodging of
8 guests, and kept, used, maintained, advertised, or held out to
9 the public as a place where sleeping accommodations are sought
10 for pay or compensation to transient guests or permanent guests,
11 the person shall be sentenced to the authorized term of
12 imprisonment for a class A felony which term shall be served
13 without probation or parole.

14 252.235. The sale, taking for sale or possession for sale
15 of any species of fish or wildlife, or parts thereof, which shall
16 include eggs, which have been taken or possessed in violation of
17 the rules and regulations of the commission, is prohibited. Any
18 person violating the provisions of this section shall be guilty
19 of a class A misdemeanor for the first offense if the sale
20 amounts to less than [one hundred fifty] five hundred dollars.
21 Any person violating the provisions of this section shall be
22 guilty of a class D felony for the second and subsequent offense
23 if the sale amounts to less than [one hundred fifty] five hundred
24 dollars. Any person violating the provisions of this section

1 shall be guilty of a class C felony for the first and all
2 subsequent offenses if the sale amounts to [more than one hundred
3 fifty] five hundred dollars or more. "Sale" means the exchange
4 of an amount of money, other negotiable instruments, or property
5 of value received by the person or persons selling the prohibited
6 species. "Sale", for purposes of this section, shall also mean
7 the intention to exchange an amount of money, other negotiable
8 instruments or property of value for a prohibited species. For
9 the purposes of this section "property" is defined by section
10 570.010, RSMo, and value shall be ascertained as set forth in
11 section 570.020, RSMo.

12 302.510. 1. Except as provided in subsection 3 of this
13 section, a law enforcement officer who arrests any person for a
14 violation of any state statute related to driving while
15 intoxicated or for a violation of a county or municipal ordinance
16 prohibiting driving while intoxicated or a county or municipal
17 alcohol-related traffic offense, and in which the alcohol
18 concentration in the person's blood, breath, or urine was
19 eight-hundredths of one percent or more by weight or
20 two-hundredths of one percent or more by weight for anyone less
21 than twenty-one years of age, shall forward to the department a
22 [verified] certified report of all information relevant to the
23 enforcement action, including information which adequately
24 identifies the arrested person, a statement of the officer's

1 grounds for belief that the person violated any state statute
2 related to driving while intoxicated or was less than twenty-one
3 years of age and was driving with two-hundredths of one percent
4 or more by weight of alcohol in the person's blood, or a county
5 or municipal ordinance prohibiting driving while intoxicated or a
6 county or municipal alcohol-related traffic offense, a report of
7 the results of any chemical tests which were conducted, and a
8 copy of the citation and complaint filed with the court.

9 2. The report required by this section shall be certified
10 under penalties of perjury or for making a false statement to a
11 public official and made on forms supplied by the department or
12 in a manner specified by regulations of the department.

13 3. A county or municipal ordinance prohibiting driving
14 while intoxicated or a county or municipal alcohol-related
15 traffic offense may not be the basis for suspension or revocation
16 of a driver's license pursuant to sections 302.500 to 302.540,
17 unless the arresting law enforcement officer, other than an
18 elected peace officer or official, has been [certified] licensed
19 by the director of the department of public safety pursuant to
20 the provisions of [sections 590.100 to 590.180] chapter 590,
21 RSMo.

22 302.530. 1. Any person who has received a notice of
23 suspension or revocation may make a request within fifteen days
24 of receipt of the notice for a review of the department's

1 determination at a hearing. If the person's driver's license has
2 not been previously surrendered, it [shall] may be surrendered at
3 the time the request for a hearing is made.

4 2. At the time the request for a hearing is made, if it
5 appears from the record that the person is the holder of a valid
6 driver's license issued by this state, and that the driver's
7 license has been surrendered as required, the department shall
8 issue a temporary permit which shall be valid until the scheduled
9 date for the hearing. The department may later issue an
10 additional temporary permit or permits in order to stay the
11 effective date of the suspension or revocation until the final
12 order is issued following the hearing, as required by section
13 302.520.

14 3. The hearing may be held by telephone, or if requested by
15 the person, such person's attorney or representative, in the
16 county where the arrest was made. The hearing shall be conducted
17 by examiners who are licensed to practice law in the state of
18 Missouri and who are employed by the department on a part-time or
19 full-time basis as the department may determine.

20 4. The sole issue at the hearing shall be whether by a
21 preponderance of the evidence the person was driving a vehicle
22 pursuant to the circumstances set out in section 302.505. The
23 burden of proof shall be on the state to adduce such evidence.
24 If the department finds the affirmative of this issue, the

1 suspension or revocation order shall be sustained. If the
2 department finds the negative of the issue, the suspension or
3 revocation order shall be rescinded.

4 5. The procedure at such hearing shall be conducted in
5 accordance with chapter 536, RSMo, not otherwise in conflict with
6 sections 302.500 to 302.540. A report certified pursuant to
7 subsection 2 of section 302.510, shall be admissible as evidence
8 as a record of the agency in a like manner as a verified report
9 and any provision of chapter 536, RSMo, to the contrary shall not
10 apply.

11 6. The department shall promptly notify, by certified
12 letter, the person of its decision including the reasons for that
13 decision. Such notification shall include a notice advising the
14 person that the department's decision shall be final within
15 fifteen days from the date of certification of the letter unless
16 the person challenges the department's decision within that time
17 period by filing an appeal in the circuit court in the county
18 where the arrest occurred.

19 7. Unless the person, within fifteen days after being
20 notified by certified letter of the department's decision, files
21 an appeal for judicial review pursuant to section 302.535, the
22 decision of the department shall be final.

23 8. The director may adopt any rules and regulations
24 necessary to carry out the provisions of this section.

1 338.055. 1. The board may refuse to issue any certificate
2 of registration or authority, permit or license required pursuant
3 to this chapter for one or any combination of causes stated in
4 subsection 2 of this section. The board shall notify the
5 applicant in writing of the reasons for the refusal and shall
6 advise the applicant of his right to file a complaint with the
7 administrative hearing commission as provided by chapter 621,
8 RSMo.

9 2. The board may cause a complaint to be filed with the
10 administrative hearing commission as provided by chapter 621,
11 RSMo, against any holder of any certificate of registration or
12 authority, permit or license required by this chapter or any
13 person who has failed to renew or has surrendered his certificate
14 of registration or authority, permit or license for any one or
15 any combination of the following causes:

16 (1) Use of any controlled substance, as defined in chapter
17 195, RSMo, or alcoholic beverage to an extent that such use
18 impairs a person's ability to perform the work of any profession
19 licensed or regulated by this chapter;

20 (2) The person has been finally adjudicated and found
21 guilty, or entered a plea of guilty or nolo contendere, in a
22 criminal prosecution under the laws of any state or of the United
23 States, for any offense reasonably related to the qualifications,
24 functions or duties of any profession licensed or regulated under

1 this chapter, for any offense an essential element of which is
2 fraud, dishonesty or an act of violence, or for any offense
3 involving moral turpitude, whether or not sentence is imposed;

4 (3) Use of fraud, deception, misrepresentation or bribery
5 in securing any certificate of registration or authority, permit
6 or license issued pursuant to this chapter or in obtaining
7 permission to take any examination given or required pursuant to
8 this chapter;

9 (4) Obtaining or attempting to obtain any fee, charge,
10 tuition or other compensation by fraud, deception or
11 misrepresentation;

12 (5) Incompetency, misconduct, gross negligence, fraud,
13 misrepresentation or dishonesty in the performance of the
14 functions or duties of any profession licensed or regulated by
15 this chapter;

16 (6) Violation of, or assisting or enabling any person to
17 violate, any provision of this chapter, or of any lawful rule or
18 regulation adopted pursuant to this chapter;

19 (7) Impersonation of any person holding a certificate of
20 registration or authority, permit or license or allowing any
21 person to use his or her certificate of registration or
22 authority, permit, license or diploma from any school;

23 (8) Disciplinary action against the holder of a license or
24 other right to practice any profession regulated by this chapter

1 granted by another state, territory, federal agency or country
2 upon grounds for which revocation or suspension is authorized in
3 this state;

4 (9) A person is finally adjudged incapacitated by a court
5 of competent jurisdiction;

6 (10) Assisting or enabling any person to practice or offer
7 to practice any profession licensed or regulated by this chapter
8 who is not registered and currently eligible to practice under
9 this chapter;

10 (11) Issuance of a certificate of registration or
11 authority, permit or license based upon a material mistake of
12 fact;

13 (12) Failure to display a valid certificate or license if
14 so required by this chapter or any rule promulgated hereunder;

15 (13) Violation of any professional trust or confidence;

16 (14) Use of any advertisement or solicitation which is
17 false, misleading or deceptive to the general public or persons
18 to whom the advertisement or solicitation is primarily directed;

19 (15) Violation of the drug laws or rules and regulations of
20 this state, any other state or the federal government;

21 (16) The intentional act of substituting or otherwise
22 changing the content, formula or brand of any drug prescribed by
23 written or oral prescription without prior written or oral
24 approval from the prescriber for the respective change in each

1 prescription; provided, however, that nothing contained herein
2 shall prohibit a [pharmacist] licensee or registrant from
3 substituting or changing the brand of any drug as provided under
4 section 338.056, and any such substituting or changing of the
5 brand of any drug as provided for in section 338.056 shall not be
6 deemed unprofessional or dishonorable conduct unless a violation
7 of section 338.056 occurs;

8 (17) Personal use or consumption of any controlled
9 substance unless it is prescribed, dispensed or administered by a
10 health care provider who is authorized by law to do so.

11 3. After the filing of such complaint, the proceedings
12 shall be conducted in accordance with the provisions of chapter
13 621, RSMo. Upon a finding by the administrative hearing
14 commission that the grounds, provided in subsection 2, for
15 disciplinary action are met, the board may, singly or in
16 combination, censure or place the person named in the complaint
17 on probation on such terms and conditions as the board deems
18 appropriate for a period not to exceed five years, or may
19 suspend, for a period not to exceed three years, or revoke the
20 license, certificate, or permit. The board may impose additional
21 discipline on a licensee, registrant or permittee found to have
22 violated any disciplinary terms previously imposed under this
23 section or by agreement. The additional discipline may include,
24 singly or in combination, censure, placing the licensee,

1 registrant or permittee named in the complaint on additional
2 probation on such terms and conditions as the board deems
3 appropriate, which additional probation shall not exceed five
4 years, or suspension for a period not to exceed three years, or
5 revocation of the license, certificate or permit.

6 4. If the board concludes that a [pharmacist] licensee or
7 registrant has committed an act or is engaging in a course of
8 conduct which would be grounds for disciplinary action which
9 constitutes a [clear and present danger] probability of serious
10 danger to the public health and safety, the board may file a
11 complaint before the administrative hearing commission requesting
12 an expedited hearing and specifying the activities which give
13 rise to the danger and the nature of the proposed restriction or
14 suspension of the [pharmacist's] licensee's or registrant's
15 license. Within fifteen days after service of the complaint on
16 the [pharmacist] licensee or registrant, the administrative
17 hearing commission shall conduct a preliminary hearing to
18 determine whether the alleged activities of the [pharmacist]
19 licensee or registrant appear to constitute a [clear and present
20 danger] probability of serious danger to the public health and
21 safety which justify that the [pharmacist's] licensee's or
22 registrant's license be immediately restricted or suspended. The
23 burden of proving that the actions of a [pharmacist is] licensee
24 or registrant constitute a [clear and present danger] probability

1 of serious danger to the public health and safety shall be upon
2 the state board of pharmacy. The administrative hearing
3 commission shall issue its decision immediately after the hearing
4 and shall either grant to the board the authority to suspend or
5 restrict the license or dismiss the action.

6 5. If the administrative hearing commission grants
7 temporary authority to the board to restrict or suspend the
8 [pharmacist's] licensee's or registrant's license, such temporary
9 authority of the board shall become final authority if there is
10 no request by the [pharmacist] licensee or registrant for a full
11 hearing within thirty days of the preliminary hearing. The
12 administrative hearing commission shall, if requested by the
13 [pharmacist] licensee or registrant named in the complaint, set a
14 date to hold a full hearing under the provisions of chapter 621,
15 RSMo, regarding the activities alleged in the initial complaint
16 filed by the board.

17 6. If the administrative hearing commission dismisses the
18 action filed by the board pursuant to subsection 4 of this
19 section, such dismissal shall not bar the board from initiating a
20 subsequent action on the same grounds.

21 7. If the board concludes that a licensee or registrant has
22 committed an act or is engaging in a course of conduct which
23 would be grounds for disciplinary action and which constitutes a
24 probability of serious danger to the public health and safety,

1 the board may restrict or suspend the license of the licensee,
2 registrant, or permittee pending action of the administrative
3 hearing commission. Within three business days of such
4 suspension, the board shall file a complaint before the
5 administrative hearing commission requesting an expedited hearing
6 and decision pursuant to subsection 4 of this section.

7 453.110. 1. No person, agency, organization or institution
8 shall surrender custody of a minor child, or transfer the custody
9 of such a child to another, and no person, agency, organization
10 or institution shall take possession or charge of a minor child
11 so transferred, without first having filed a petition before the
12 circuit court sitting as a juvenile court of the county where the
13 child may be, praying that such surrender or transfer may be
14 made, and having obtained such an order from such court approving
15 or ordering transfer of custody.

16 2. If any such surrender or transfer is made without first
17 obtaining such an order, such court shall, on petition of any
18 public official or interested person, agency, organization or
19 institution, order an investigation and report as described in
20 section 453.070 to be completed by the division of family
21 services and shall make such order as to the custody of such
22 child in the best interest of such child.

23 3. Any person violating the terms of this section shall be
24 guilty of a class D felony unless:

1 (1) The child surrendered or transferred in violation of
2 this section was not physically harmed while in the custody of
3 the person receiving custody of the child; and

4 (2) The person surrendering or transferring custody had
5 lawful custody at the time of transfer or surrender and consented
6 to the act and voluntarily relinquished custody of the child to
7 the person receiving such custody; and

8 (3) The surrender or transfer of the child did not involve
9 fraud, duress, or undue influence by the person receiving custody
10 of the child; and

11 (4) The person surrendering or transferring custody
12 surrendered or transferred custody to another person who resided
13 with the person surrendering or transferring custody.

14 4. The investigation required by subsection 2 of this
15 section shall be initiated by the division of family services
16 within forty-eight hours of the filing of the court order
17 requesting the investigation and report and shall be completed
18 within thirty days. The court shall order the person having
19 custody in violation of the provisions of this section to pay the
20 costs of the investigation and report.

21 5. This section shall not be construed to prohibit any
22 parent, agency, organization or institution from placing a child
23 in a family home for care if the right to supervise the care of
24 the child and to resume custody thereof is retained, or from

1 placing a child with a licensed foster home within the state
2 through a child placing agency licensed by this state as part of
3 a preadoption placement.

4 6. After the filing of a petition for the transfer of
5 custody for the purpose of adoption, the court may enter an order
6 of transfer of custody if the court finds all of the following:

7 (1) A family assessment has been made as required in
8 section 453.070 and has been reviewed by the court;

9 (2) A recommendation has been made by the guardian ad
10 litem;

11 (3) A petition for transfer of custody for adoption has
12 been properly filed or an order terminating parental rights has
13 been properly filed;

14 (4) The financial affidavit has been filed as required
15 under section 453.075;

16 (5) The written report regarding the child who is the
17 subject of the petition containing the information has been
18 submitted as required by section 453.026;

19 (6) Compliance with the Indian Child Welfare Act, if
20 applicable; and

21 (7) Compliance with the Interstate Compact on the Placement
22 of Children pursuant to section 210.620, RSMo.

23 7. A hearing on the transfer of custody for the purpose of
24 adoption is not required if:

1 (1) The conditions set forth in subsection 6 of this
2 section are met;

3 (2) The parties agree and the court grants leave; and

4 (3) Parental rights have been terminated pursuant to
5 section 211.444 or 211.447, RSMo.

6 556.061. In this code, unless the context requires a
7 different definition, the following shall apply:

8 (1) "Affirmative defense" has the meaning specified in
9 section 556.056;

10 (2) "Burden of injecting the issue" has the meaning
11 specified in section 556.051;

12 (3) "Commercial film and photographic print processor", any
13 person who develops exposed photographic film into negatives,
14 slides or prints, or who makes prints from negatives or slides,
15 for compensation. The term commercial film and photographic
16 print processor shall include all employees of such persons but
17 shall not include a person who develops film or makes prints for
18 a public agency;

19 (4) "Confinement":

20 (a) A person is in confinement when such person is held in
21 a place of confinement pursuant to arrest or order of a court,
22 and remains in confinement until:

23 a. A court orders the person's release; or

24 b. The person is released on bail, bond, or recognizance,

1 personal or otherwise; or

2 c. A public servant having the legal power and duty to
3 confine the person authorizes his release without guard and
4 without condition that he return to confinement;

5 (b) A person is not in confinement if:

6 a. The person is on probation or parole, temporary or
7 otherwise; or

8 b. The person is under sentence to serve a term of
9 confinement which is not continuous, or is serving a sentence
10 under a work-release program, and in either such case is not
11 being held in a place of confinement or is not being held under
12 guard by a person having the legal power and duty to transport
13 the person to or from a place of confinement;

14 (5) "Consent": consent or lack of consent may be expressed
15 or implied. Assent does not constitute consent if:

16 (a) It is given by a person who lacks the mental capacity
17 to authorize the conduct charged to constitute the offense and
18 such mental incapacity is manifest or known to the actor; or

19 (b) It is given by a person who by reason of youth, mental
20 disease or defect, or intoxication, is manifestly unable or known
21 by the actor to be unable to make a reasonable judgment as to the
22 nature or harmfulness of the conduct charged to constitute the
23 offense; or

24 (c) It is induced by force, duress or deception;

1 (6) "Criminal negligence" has the meaning specified in
2 section 562.016, RSMo;

3 (7) "Custody", a person is in custody when the person has
4 been arrested but has not been delivered to a place of
5 confinement;

6 (8) "Dangerous felony" means the felonies of arson in the
7 first degree, assault in the first degree, forcible rape,
8 forcible sodomy, kidnapping, murder in the second degree [and],
9 robbery in the first degree, or an attempt to commit any of the
10 preceding felonies;

11 (9) "Dangerous instrument" means any instrument, article or
12 substance, which, under the circumstances in which it is used, is
13 readily capable of causing death or other serious physical
14 injury;

15 (10) "Deadly weapon" means any firearm, loaded or unloaded,
16 or any weapon from which a shot, readily capable of producing
17 death or serious physical injury, may be discharged, or a
18 switchblade knife, dagger, billy, blackjack or metal knuckles;

19 (11) "Felony" has the meaning specified in section 556.016;

20 (12) "Forcible compulsion" means either:

21 (a) Physical force that overcomes reasonable resistance; or

22 (b) A threat, express or implied, that places a person in
23 reasonable fear of death, serious physical injury or kidnapping
24 of such person or another person;

1 (13) "Incapacitated" means that physical or mental
2 condition, temporary or permanent, in which a person is
3 unconscious, unable to appraise the nature of such person's
4 conduct, or unable to communicate unwillingness to an act. A
5 person is not incapacitated with respect to an act committed upon
6 such person if he or she became unconscious, unable to appraise
7 the nature of such person's conduct or unable to communicate
8 unwillingness to an act, after consenting to the act;

9 (14) "Infraction" has the meaning specified in section
10 556.021;

11 (15) "Inhabitable structure" has the meaning specified in
12 section 569.010, RSMo;

13 (16) "Knowingly" has the meaning specified in section
14 562.016, RSMo;

15 (17) "Law enforcement officer" means any public servant
16 having both the power and duty to make arrests for violations of
17 the laws of this state, and federal law enforcement officers
18 authorized to carry firearms and to make arrests for violations
19 of the laws of the United States;

20 (18) "Misdemeanor" has the meaning specified in section
21 556.016;

22 (19) "Offense" means any felony, misdemeanor or infraction;

23 (20) "Physical injury" means physical pain, illness, or any
24 impairment of physical condition;

1 (21) "Place of confinement" means any building or facility
2 and the grounds thereof wherein a court is legally authorized to
3 order that a person charged with or convicted of a crime be held;

4 (22) "Possess" or "possessed" means having actual or
5 constructive possession of an object with knowledge of its
6 presence. A person has actual possession if such person has the
7 object on his or her person or within easy reach and convenient
8 control. A person has constructive possession if such person has
9 the power and the intention at a given time to exercise dominion
10 or control over the object either directly or through another
11 person or persons. Possession may also be sole or joint. If one
12 person alone has possession of an object, possession is sole. If
13 two or more persons share possession of an object, possession is
14 joint;

15 (23) "Public servant" means any person employed in any way
16 by a government of this state who is compensated by the
17 government by reason of such person's employment, any person
18 appointed to a position with any government of this state, or any
19 person elected to a position with any government of this state.
20 It includes, but is not limited to, legislators, jurors, members
21 of the judiciary and law enforcement officers. It does not
22 include witnesses;

23 (24) "Purposely" has the meaning specified in section
24 562.016, RSMo;

1 (25) "Recklessly" has the meaning specified in section
2 562.016, RSMo;

3 (26) "Ritual" or "ceremony" means an act or series of acts
4 performed by two or more persons as part of an established or
5 prescribed pattern of activity;

6 (27) "Serious emotional injury", an injury that creates a
7 substantial risk of temporary or permanent medical or
8 psychological damage, manifested by impairment of a behavioral,
9 cognitive or physical condition. Serious emotional injury shall
10 be established by testimony of qualified experts upon the
11 reasonable expectation of probable harm to a reasonable degree of
12 medical or psychological certainty;

13 (28) "Serious physical injury" means physical injury that
14 creates a substantial risk of death or that causes serious
15 disfigurement or protracted loss or impairment of the function of
16 any part of the body;

17 (29) "Sexual conduct" means acts of human masturbation;
18 deviate sexual intercourse; sexual intercourse; or physical
19 contact with a person's clothed or unclothed genitals, pubic
20 area, buttocks, or the breast of a female in an act of apparent
21 sexual stimulation or gratification;

22 (30) "Sexual contact" means any touching of the genitals or
23 anus of any person, or the breast of any female person, or any
24 such touching through the clothing, for the purpose of arousing

1 or gratifying sexual desire of any person;

2 (31) "Sexual performance", any performance, or part
3 thereof, which includes sexual conduct by a child who is less
4 than seventeen years of age;

5 (32) "Voluntary act" has the meaning specified in section
6 562.011, RSMo.

7 557.035. 1. For all violations of subdivision (1) of
8 subsection 1 of section 569.040, RSMo, or subdivision (1) of
9 subsection 1 of section 569.050, RSMo, in which the building or
10 inhabitable structure damaged is a church or place where people
11 assemble for worship, and which the state believes to be
12 knowingly motivated because of race, color, religion, national
13 origin, sex, sexual orientation or disability of the victim or
14 victims, the state may charge the crime or crimes under this
15 section, and the violation is a class B felony, unless a person
16 has suffered serious physical injury or has died as a result of a
17 violation of this subsection, in which case the violation is a
18 class A felony.

19 2. For all violations of subdivision (1) of subsection 1 of
20 section 569.100, RSMo, or subdivision (1), (2), (3), (4), (6),
21 (7) or (8) of subsection 1 of section 571.030, RSMo, which the
22 state believes to be knowingly motivated because of race, color,
23 religion, national origin, sex, sexual orientation or disability
24 of the victim or victims, the state may charge the crime or

1 crimes under this section, and the violation is a class C felony.

2 [2.] 3. For all violations of section 565.070, RSMo;
3 subdivisions (1), (3) and (4) of subsection 1 of section 565.090,
4 RSMo; subdivision (1) of subsection 1 of section 569.090, RSMo;
5 subdivision (1) of subsection 1 of section 569.120, RSMo; section
6 569.140, RSMo; or section 574.050, RSMo; which the state believes
7 to be knowingly motivated because of race, color, religion,
8 national origin, sex, sexual orientation or disability of the
9 victim or victims, the state may charge the crime or crimes under
10 this section, and the violation is a class D felony.

11 [3.] 4. The court shall assess punishment in all of the
12 cases in which the state pleads and proves any of the motivating
13 factors listed in this section.

14 [4.] 5. For the purposes of this section, the following
15 terms mean:

16 (1) "Disability", a physical or mental impairment which
17 substantially limits one or more of a person's major life
18 activities, being regarded as having such an impairment, or a
19 record of having such an impairment; and

20 (2) "Sexual orientation", male or female heterosexuality,
21 homosexuality or bisexuality by inclination, practice, identity
22 or expression, or having a self-image or identity not
23 traditionally associated with one's gender.

24 558.019. 1. This section shall not be construed to affect

1 the powers of the governor under article IV, section 7, of the
2 Missouri Constitution. This statute shall not affect those
3 provisions of section 565.020, RSMo, section 558.018 or section
4 571.015, RSMo, which set minimum terms of sentences, or the
5 provisions of section 559.115, RSMo, relating to probation.

6 2. The provisions of this section shall be applicable to
7 all classes of felonies except those set forth in chapter 195,
8 RSMo, and those otherwise excluded in subsection 1 of this
9 section. For the purposes of this section, "prison commitment"
10 means and is the receipt by the department of corrections of a
11 defendant after sentencing. For purposes of this section, prior
12 prison commitments to the department of corrections shall not
13 include commitment to a regimented discipline program established
14 pursuant to section 217.378, RSMo. Other provisions of the law
15 to the contrary notwithstanding, any defendant who has pleaded
16 guilty to or has been found guilty of a felony other than a
17 dangerous felony as defined in section 556.061, RSMo, and is
18 committed to the department of corrections shall be required to
19 serve the following minimum prison terms:

20 (1) If the defendant has one previous prison commitment to
21 the department of corrections for a felony offense, the minimum
22 prison term which the defendant must serve shall be forty percent
23 of his sentence or until the defendant attains seventy years of
24 age, and has served at least forty percent of the sentence

1 imposed, whichever occurs first;

2 (2) If the defendant has two previous prison commitments to
3 the department of corrections for felonies unrelated to the
4 present offense, the minimum prison term which the defendant must
5 serve shall be fifty percent of his sentence or until the
6 defendant attains seventy years of age, and has served at least
7 forty percent of the sentence imposed, whichever occurs first;

8 (3) If the defendant has three or more previous prison
9 commitments to the department of corrections for felonies
10 unrelated to the present offense, the minimum prison term which
11 the defendant must serve shall be eighty percent of his sentence
12 or until the defendant attains seventy years of age, and has
13 served at least forty percent of the sentence imposed, whichever
14 occurs first.

15 3. Other provisions of the law to the contrary
16 notwithstanding, any defendant who has pleaded guilty to or has
17 been found guilty of a dangerous felony as defined in section
18 556.061, RSMo, and is committed to the department of corrections
19 shall be required to serve a minimum prison term of eighty-five
20 percent of the sentence imposed by the court or until the
21 defendant attains seventy years of age, and has served at least
22 forty percent of the sentence imposed, whichever occurs first.

23 4. For the purpose of determining the minimum prison term
24 to be served, the following calculations shall apply:

1 (1) A sentence of life shall be calculated to be thirty
2 years;

3 (2) Any sentence either alone or in the aggregate with
4 other consecutive sentences for crimes committed at or near the
5 same time which is over seventy-five years shall be calculated to
6 be seventy-five years.

7 5. For purposes of this section, the term "minimum prison
8 term" shall mean time required to be served by the defendant
9 before he is eligible for parole, conditional release or other
10 early release by the department of corrections. Except that the
11 board of probation and parole, in the case of consecutive
12 sentences imposed at the same time pursuant to a course of
13 conduct constituting a common scheme or plan, shall be authorized
14 to convert consecutive sentences to concurrent sentences, when
15 the board finds, after hearing with notice to the prosecuting or
16 circuit attorney, that the sum of the terms results in an
17 unreasonably excessive total term, taking into consideration all
18 factors related to the crime or crimes committed and the
19 sentences received by others similarly situated.

20 6. (1) A sentencing advisory commission is hereby created
21 to consist of eleven members. One member shall be appointed by
22 the speaker of the house. One member shall be appointed by the
23 president pro tem of the senate. One member shall be the
24 director of the department of corrections. Six members shall be

1 appointed by and serve at the pleasure of the governor from among
2 the following: the public defender commission; private citizens;
3 a private member of the Missouri Bar; the board of probation and
4 parole; and a prosecutor. Two members shall be appointed by the
5 supreme court, one from a metropolitan area and one from a rural
6 area. All members of the sentencing commission appointed prior
7 to August 28, 1994, shall continue to serve on the sentencing
8 advisory commission at the pleasure of the governor.

9 (2) The commission shall study sentencing practices in the
10 circuit courts throughout the state for the purpose of
11 determining whether and to what extent disparities exist among
12 the various circuit courts with respect to the length of
13 sentences imposed and the use of probation for defendants
14 convicted of the same or similar crimes and with similar criminal
15 histories. The commission shall also study and examine whether
16 and to what extent sentencing disparity among economic and social
17 classes exists in relation to the sentence of death and if so,
18 the reasons therefor. It shall compile statistics, examine
19 cases, draw conclusions, and perform other duties relevant to the
20 research and investigation of disparities in death penalty
21 sentencing among economic and social classes.

22 (3) The commission shall establish a system of recommended
23 sentences, within the statutory minimum and maximum sentences
24 provided by law for each felony committed under the laws of this

1 state. This system of recommended sentences shall be distributed
2 to all sentencing courts within the state of Missouri. The
3 recommended sentence for each crime shall take into account, but
4 not be limited to, the following factors:

5 (a) The nature and severity of each offense;

6 (b) The record of prior offenses by the offender;

7 (c) The data gathered by the commission showing the
8 duration and nature of sentences imposed for each crime; and

9 (d) The resources of the department of corrections and
10 other authorities to carry out the punishments that are imposed.

11 (4) The commission shall publish and distribute its system
12 of recommended sentences on or before July 1, 1995. The
13 commission shall study the implementation and use of the system
14 of recommended sentences until July 1, 1998, and return a final
15 report to the governor, the speaker of the house of
16 representatives, and the president pro tem of the senate.
17 Following the July 1, 1998, report, the commission may revise the
18 recommended sentences every three years.

19 (5) The governor shall select a chairperson who shall call
20 meetings of the commission as required or permitted pursuant to
21 the purpose of the sentencing commission.

22 (6) The members of the commission shall not receive
23 compensation for their duties on the commission, but shall be
24 reimbursed for actual and necessary expenses incurred in the

1 performance of these duties and for which they are not reimbursed
2 by reason of their other paid positions.

3 (7) The circuit and associate circuit courts of this state,
4 the office of the state courts administrator, the department of
5 public safety, and the department of corrections shall cooperate
6 with the commission by providing information or access to
7 information needed by the commission. The office of the state
8 courts administrator will provide needed staffing resources.

9 7. If the imposition or execution of a sentence is
10 suspended, the court may consider ordering restorative justice
11 methods pursuant to section 217.777, RSMo, including any or all
12 of the following, or any other method that the court finds just
13 or appropriate:

14 (1) Restitution to any victim for costs incurred as a
15 result of the offender's actions;

16 (2) Offender treatment programs;

17 (3) Mandatory community services;

18 (4) Work release programs in local facilities; and

19 (5) Community-based residential and nonresidential
20 programs.

21 8. If the imposition or execution of a sentence is
22 suspended, in addition to the provisions of subsection 7 of this
23 section, the court may order the assessment and payment of a
24 designated amount of money to a county crime reduction fund

1 established by the county commission pursuant to section 50.555,
2 RSMo. Such contribution shall not exceed one thousand dollars
3 for any charged offense. Any money deposited into the county
4 crime reduction fund pursuant to this section shall only be
5 expended pursuant to the provisions of section 50.555, RSMo.
6 County crime reduction funds shall be audited as are all other
7 county funds.

8 [7.] 9. The provisions of this section shall apply only to
9 offenses occurring on or after August 28, 1994.

10 559.021. 1. The conditions of probation shall be such as
11 the court in its discretion deems reasonably necessary to ensure
12 that the defendant will not again violate the law. When a
13 defendant is placed on probation he shall be given a certificate
14 explicitly stating the conditions on which he is being released.

15 2. In addition to such other authority as exists to order
16 conditions of probation, the court may order such conditions as
17 the court believes will serve to compensate the victim, any
18 dependent of the victim, or society. Such conditions may
19 include, but shall not be limited to:

20 (1) Restitution to the victim or any dependent of the
21 victim, in an amount to be determined by the judge; and

22 (2) The performance of a designated amount of free work for
23 a public or charitable purpose, or purposes, as determined by the
24 judge.

1 3. In addition to such other authority as exists to order
2 conditions of probation, in the case of a plea of guilty or a
3 finding of guilt, the court may order the assessment and payment
4 of a designated amount of money to a county crime reduction fund
5 established by the county commission pursuant to section 50.555,
6 RSMo. Such contribution shall not exceed one thousand dollars
7 for any charged offense. Any money deposited into the county
8 crime reduction fund pursuant to this section shall only be
9 expended pursuant to the provisions of section 50.555, RSMo.
10 County crime reduction funds shall be audited as are all other
11 county funds.

12 [3.] 4. The defendant may refuse probation conditioned on
13 the performance of free work. If he does so, the court shall
14 decide the extent or duration of sentence or other disposition to
15 be imposed and render judgment accordingly. Any county, city,
16 person, organization, or agency, or employee of a county, city,
17 organization or agency charged with the supervision of such free
18 work or who benefits from its performance shall be immune from
19 any suit by the defendant or any person deriving a cause of
20 action from him if such cause of action arises from such
21 supervision of performance, except for an intentional tort or
22 gross negligence. The services performed by the defendant shall
23 not be deemed employment within the meaning of the provisions of
24 chapter 288, RSMo. A defendant performing services pursuant to

1 this section shall not be deemed an employee within the meaning
2 of the provisions of chapter 287, RSMo.

3 [4.] 5. The court may modify or enlarge the conditions of
4 probation at any time prior to the expiration or termination of
5 the probation term.

6 6. The defendant may refuse probation conditioned on a
7 payment to a county crime reduction fund. If he or she does so,
8 the court shall decide the extent or duration of sentence or
9 other disposition to be imposed and render judgment accordingly.
10 A judge may order payment to a crime reduction fund only if such
11 fund had been created prior to sentencing by ordinance or
12 resolution of a county of the state of Missouri. A judge shall
13 not have any direct supervisory authority or administrative
14 control over any fund to which the judge is ordering the
15 probationers to make payments. A defendant who fails to make a
16 payment or payments to a county crime reduction fund may not have
17 his probation revoked solely for failing to make such payment
18 unless the judge, after evidentiary hearing, makes a finding
19 supported by a preponderance of the evidence that the defendant
20 either willfully refused to make the payment or that the
21 defendant willfully, intentionally, and purposefully failed to
22 make sufficient bona fide efforts to acquire the resources to
23 pay.

24 565.050. 1. A person commits the crime of assault in the

1 first degree if [he] the person attempts to kill or knowingly
2 causes or attempts to cause serious physical injury to another
3 person.

4 2. Assault in the first degree is a class B felony unless
5 in the course thereof the actor inflicts serious physical injury
6 on the victim in which case it is a class A felony.

7 3. No person who pleads guilty to or is found guilty of
8 assault in the first degree shall receive a suspended imposition
9 or execution of sentence, probation or a fine in lieu of a term
10 of imprisonment if the assault was on a mass transit worker or
11 passenger while on or waiting to board a bus or light rail
12 system.

13 565.060. 1. A person commits the crime of assault in the
14 second degree if [he] the person:

15 (1) Attempts to kill or knowingly causes or attempts to
16 cause serious physical injury to another person under the
17 influence of sudden passion arising out of adequate cause; or

18 (2) Attempts to cause or knowingly causes physical injury
19 to another person by means of a deadly weapon or dangerous
20 instrument; or

21 (3) Recklessly causes serious physical injury to another
22 person; or

23 (4) While in an intoxicated condition or under the
24 influence of controlled substances or drugs, operates a motor

1 vehicle in this state and, when so operating, acts with criminal
2 negligence to cause physical injury to any other person than
3 himself; or

4 (5) Recklessly causes physical injury to another person by
5 means of discharge of a firearm.

6 2. The defendant shall have the burden of injecting the
7 issue of influence of sudden passion arising from adequate cause
8 [under] pursuant to subdivision (1) of subsection 1 of this
9 section.

10 3. Assault in the second degree is a class C felony.

11 4. No person who pleads guilty to or is found guilty of
12 assault in the second degree shall receive a suspended imposition
13 or execution of sentence, probation or a fine in lieu of a term
14 of imprisonment if the assault was on a mass transit worker or
15 passenger while on or waiting to board a bus or light rail
16 system.

17 565.070. 1. A person commits the crime of assault in the
18 third degree if:

19 (1) The person attempts to cause or recklessly causes
20 physical injury to another person; or

21 (2) With criminal negligence the person causes physical
22 injury to another person by means of a deadly weapon; or

23 (3) The person purposely places another person in
24 apprehension of immediate physical injury; or

1 (4) The person recklessly engages in conduct which creates
2 a grave risk of death or serious physical injury to another
3 person; or

4 (5) The person knowingly causes physical contact with
5 another person knowing the other person will regard the contact
6 as offensive or provocative; or

7 (6) The person knowingly causes physical contact with an
8 incapacitated person, as defined in section 475.010, RSMo, which
9 a reasonable person, who is not incapacitated, would consider
10 offensive or provocative.

11 2. Except as provided in subsections 3 and 4 of this
12 section, assault in the third degree is a class A misdemeanor.

13 3. A person who violates the provisions of subdivision (3)
14 or (5) of subsection 1 of this section is guilty of a class C
15 misdemeanor.

16 4. A person who has pled guilty to or been found guilty of
17 the crime of assault in the third degree more than two times
18 against any family or household member as defined in section
19 455.010, RSMo, is guilty of a class D felony for the third or any
20 subsequent commission of the crime of assault in the third degree
21 when a class A misdemeanor. The offenses described in this
22 subsection may be against the same family or household member or
23 against different family or household members.

24 5. No person who pleads guilty to or is found guilty of

1 assault in the third degree shall receive a suspended imposition
2 or execution of sentence, probation or a fine in lieu of a term
3 of imprisonment if the assault was on a mass transit worker or
4 passenger while on or waiting to board a bus or light rail
5 system.

6 565.252. 1. A person commits the crime of invasion of
7 privacy in the first degree if such person:

8 (1) Knowingly photographs or films another person, without
9 the person's knowledge and consent, while the person being
10 photographed or filmed is in a state of full or partial nudity
11 and is in a place where one would have a reasonable expectation
12 of privacy, and the person subsequently distributes the
13 photograph or film to another or transmits the image contained in
14 the photograph or film in a manner that allows access to that
15 image via a computer; or

16 (2) Knowingly disseminates or permits the dissemination by
17 any means, to another person, of a videotape, photograph, or film
18 obtained in violation of subdivision (1) of subsection 1 of this
19 section or in violation of section 565.253.

20 2. Invasion of privacy in the first degree is a class C
21 felony.

22 565.253. 1. A person commits the crime of invasion of
23 privacy in the second degree if [he]:

24 (1) Such person knowingly views, photographs or films

1 another person, without that person's knowledge and consent,
2 while the person being viewed, photographed or filmed is in a
3 state of full or partial nudity and is in a place where [he] one
4 would have a reasonable expectation of privacy; or

5 (2) Such person knowingly uses a concealed camcorder or
6 photographic camera of any type to secretly videotape,
7 photograph, or record by electronic means, another person under
8 or through the clothing worn by that other person for the purpose
9 of viewing the body of or the undergarments worn by that other
10 person without that person's consent.

11 2. Invasion of privacy in the second degree pursuant to
12 subdivision (1) of subsection 1 of this section is a class A
13 misdemeanor; unless more than one person is viewed, photographed
14 or filmed in full or partial nudity in violation of sections
15 565.250 to 565.257 during the same course of conduct, in which
16 case invasion of privacy is a class D felony; and unless
17 committed by a [prior invasion of privacy offender] a person who
18 has previously pled guilty to or been found guilty of invasion of
19 privacy, in which case invasion of privacy is a class C felony.
20 Invasion of privacy in the second degree pursuant to subdivision
21 (2) of subsection 1 of this section is a class A misdemeanor;
22 unless more than one person is secretly videotaped, photographed
23 or recorded in violation of sections 565.250 to 565.257 during
24 the same course of conduct, in which case invasion of privacy is

1 a class D felony; and unless committed by a person who has
2 previously pled guilty to or been found guilty of invasion of
3 privacy, in which case invasion of privacy is a class C felony.
4 Prior pleas or findings of guilt shall be pled and proven in the
5 same manner required by the provisions of section 558.021, RSMo.

6 565.350. 1. A person commits the crime of tampering with a
7 prescription drug order as defined in section 338.095, RSMo, if
8 such person purposely:

9 (1) Misbrands, dilutes, or otherwise alters the
10 concentration or chemical structure of a prescribed drug or drug
11 therapy without the knowledge and consent of the prescribing
12 practitioner; or

13 (2) Misrepresents a misbranded, altered, or diluted
14 prescription drug or drug therapy with the purpose of misleading
15 the recipient or the administering person of the prescription
16 drug or drug therapy; or

17 (3) Sells a misbranded, altered, or diluted prescription
18 drug or drug therapy with the intention of misleading the
19 purchaser.

20 2. Tampering with a prescription drug order is a class B
21 felony, unless death or serious physical injury occurs as a
22 result of such tampering, in which case the offense is a class A
23 felony.

24 3. Any violation of this section shall also be an unfair

1 merchandising practice pursuant to section 407.020, RSMo.

2 566.030. 1. A person commits the crime of forcible rape if
3 such person has sexual intercourse with another person by the use
4 of forcible compulsion. Forcible compulsion includes the use of
5 a substance administered without a victim's knowledge or consent
6 which renders the victim physically or mentally impaired so as to
7 be incapable of making an informed consent to sexual intercourse.

8 2. Forcible rape or an attempt to commit forcible rape is a
9 felony for which the authorized term of imprisonment is life
10 imprisonment or a term of years not less than [five] ten years,
11 unless in the course thereof the actor inflicts serious physical
12 injury or displays a deadly weapon or dangerous instrument in a
13 threatening manner or subjects the victim to sexual intercourse
14 or deviate sexual intercourse with more than one person, in which
15 case the authorized term of imprisonment is life imprisonment or
16 a term of years not less than [ten] fifteen years.

17 566.060. 1. A person commits the crime of forcible sodomy
18 if such person has deviate sexual intercourse with another person
19 by the use of forcible compulsion. Forcible compulsion includes
20 the use of a substance administered without a victim's knowledge
21 or consent which renders the victim physically or mentally
22 impaired so as to be incapable of making an informed consent to
23 sexual intercourse.

24 2. Forcible sodomy or an attempt to commit forcible sodomy

1 is a felony for which the authorized term of imprisonment is life
2 imprisonment or a term of years not less than [five] ten years,
3 unless in the course thereof the actor inflicts serious physical
4 injury or displays a deadly weapon or dangerous instrument in a
5 threatening manner or subjects the victim to sexual intercourse
6 or deviate sexual intercourse with more than one person, in which
7 case the authorized term of imprisonment is life imprisonment or
8 a term of years not less than [ten] fifteen years.

9 569.095. 1. A person commits the crime of tampering with
10 computer data if he knowingly and without authorization or
11 without reasonable grounds to believe that he has such
12 authorization:

13 (1) Modifies or destroys data or programs residing or
14 existing internal to a computer, computer system, or computer
15 network; or

16 (2) Modifies or destroys data or programs or supporting
17 documentation residing or existing external to a computer,
18 computer system, or computer network; or

19 (3) Discloses or takes data, programs, or supporting
20 documentation, residing or existing internal or external to a
21 computer, computer system, or computer network; or

22 (4) Discloses or takes a password, identifying code,
23 personal identification number, or other confidential information
24 about a computer system or network that is intended to or does

1 control access to the computer system or network;

2 (5) Accesses a computer, a computer system, or a computer
3 network, and intentionally examines information about another
4 person;

5 (6) Receives, retains, uses, or discloses any data he knows
6 or believes was obtained in violation of this subsection.

7 2. Tampering with computer data is a class A misdemeanor,
8 unless the offense is committed for the purpose of devising or
9 executing any scheme or artifice to defraud or to obtain any
10 property, the value of which is [one hundred fifty] five hundred
11 dollars or more, in which case tampering with computer data is a
12 class D felony.

13 569.097. 1. A person commits the crime of tampering with
14 computer equipment if he knowingly and without authorization or
15 without reasonable grounds to believe that he has such
16 authorization:

17 (1) Modifies, destroys, damages, or takes equipment or data
18 storage devices used or intended to be used in a computer,
19 computer system, or computer network; or

20 (2) Modifies, destroys, damages, or takes any computer,
21 computer system, or computer network.

22 2. Tampering with computer equipment is a class A
23 misdemeanor, unless:

24 (1) The offense is committed for the purpose of executing

1 any scheme or artifice to defraud or obtain any property, the
2 value of which is [one hundred fifty] five hundred dollars or
3 more, in which case it is a class D felony; or

4 (2) The damage to such computer equipment or to the
5 computer, computer system, or computer network is [one hundred
6 fifty] five hundred dollars or more but less than [one thousand]
7 seven hundred fifty dollars, in which case it is a class D
8 felony; or

9 (3) The damage to such computer equipment or to the
10 computer, computer system, or computer network is [one thousand]
11 seven hundred fifty dollars or greater, in which case it is a
12 class C felony.

13 569.099. 1. A person commits the crime of tampering with
14 computer users if he knowingly and without authorization or
15 without reasonable grounds to believe that he has such
16 authorization:

17 (1) Accesses or causes to be accessed any computer,
18 computer system, or computer network; or

19 (2) Denies or causes the denial of computer system services
20 to an authorized user of such computer system services, which, in
21 whole or in part, is owned by, under contract to, or operated
22 for, or on behalf of, or in conjunction with another.

23 2. The offense of tampering with computer users is a class
24 A misdemeanor unless the offense is committed for the purpose of

1 devising or executing any scheme or artifice to defraud or to
2 obtain any property, the value of which is [one hundred fifty]
3 five hundred dollars or more, in which case tampering with
4 computer users is a class D felony.

5 570.010. As used in this chapter:

6 (1) "Adulterated" means varying from the standard of
7 composition or quality prescribed by statute or lawfully
8 promulgated administrative regulations of this state lawfully
9 filed, or if none, as set by commercial usage;

10 (2) "Appropriate" means to take, obtain, use, transfer,
11 conceal or retain possession of;

12 (3) "Coercion" means a threat, however communicated:

13 (a) To commit any crime; or

14 (b) To inflict physical injury in the future on the person
15 threatened or another; or

16 (c) To accuse any person of any crime; or

17 (d) To expose any person to hatred, contempt or ridicule;

18 or

19 (e) To harm the credit or business repute of any person; or

20 (f) To take or withhold action as a public servant, or to
21 cause a public servant to take or withhold action; or

22 (g) To inflict any other harm which would not benefit the
23 actor.

1 A threat of accusation, lawsuit or other invocation of official
2 action is not coercion if the property sought to be obtained by
3 virtue of such threat was honestly claimed as restitution or
4 indemnification for harm done in the circumstances to which the
5 accusation, exposure, lawsuit or other official action relates,
6 or as compensation for property or lawful service. The defendant
7 shall have the burden of injecting the issue of justification as
8 to any threat;

9 (4) "Credit device" means a writing, number or other device
10 purporting to evidence an undertaking to pay for property or
11 services delivered or rendered to or upon the order of a
12 designated person or bearer;

13 (5) "Dealer" means a person in the business of buying and
14 selling goods;

15 (6) "Debit device" means a card, code, number or other
16 device, other than a check, draft or similar paper instrument, by
17 the use of which a person may initiate an electronic fund
18 transfer, including but not limited to devices that enable
19 electronic transfers of benefits to public assistance recipients;

20 (7) "Deceit" means purposely making a representation which
21 is false and which the actor does not believe to be true and upon
22 which the victim relies, as to a matter of fact, law, value,
23 intention or other state of mind. The term "deceit" does not,
24 however, include falsity as to matters having no pecuniary

1 significance, or puffing by statements unlikely to deceive
2 ordinary persons in the group addressed. Deception as to the
3 actor's intention to perform a promise shall not be inferred from
4 the fact alone that he did not subsequently perform the promise;

5 (8) "Deprive" means:

6 (a) To withhold property from the owner permanently; or

7 (b) To restore property only upon payment of reward or
8 other compensation; or

9 (c) To use or dispose of property in a manner that makes
10 recovery of the property by the owner unlikely;

11 (9) "Mislabeled" means varying from the standard of truth
12 or disclosure in labeling prescribed by statute or lawfully
13 promulgated administrative regulations of this state lawfully
14 filed, or if none, as set by commercial usage; or represented as
15 being another person's product, though otherwise accurately
16 labeled as to quality and quantity;

17 (10) "New and unused property" means tangible personal
18 property that has never been used since its production or
19 manufacture and is in its original unopened package or container
20 if such property was packaged;

21 (11) "Of another" property or services is that "of another"
22 if any natural person, corporation, partnership, association,
23 governmental subdivision or instrumentality, other than the
24 actor, has a possessory or proprietary interest therein, except

1 that property shall not be deemed property of another who has
2 only a security interest therein, even if legal title is in the
3 creditor pursuant to a conditional sales contract or other
4 security arrangement;

5 [(11)] (12) "Property" means anything of value, whether
6 real or personal, tangible or intangible, in possession or in
7 action, and shall include but not be limited to the evidence of a
8 debt actually executed but not delivered or issued as a valid
9 instrument;

10 [(12)] (13) "Receiving" means acquiring possession, control
11 or title or lending on the security of the property;

12 [(13)] (14) "Services" includes transportation, telephone,
13 electricity, gas, water, or other public service, accommodation
14 in hotels, restaurants or elsewhere, admission to exhibitions and
15 use of vehicles;

16 [(14)] (15) "Writing" includes printing, any other method
17 of recording information, money, coins, negotiable instruments,
18 tokens, stamps, seals, credit cards, badges, trademarks and any
19 other symbols of value, right, privilege or identification.

20 570.020. For the purposes of this chapter, the value of
21 property shall be ascertained as follows:

22 (1) Except as otherwise specified in this section, "value"
23 means the market value of the property at the time and place of
24 the crime, or if such cannot be satisfactorily ascertained, the

1 cost of replacement of the property within a reasonable time
2 after the crime. If the victim is a merchant, as defined in
3 section 400.2-104, RSMo, and the property is a type that the
4 merchant sells in the ordinary course of business, then the
5 property shall be valued at the price that such merchant would
6 normally sell such property;

7 (2) Whether or not they have been issued or delivered,
8 certain written instruments, not including those having a readily
9 ascertainable market value such as some public and corporate
10 bonds and securities, shall be evaluated as follows:

11 (a) The value of an instrument constituting evidence of
12 debt, such as a check, draft or promissory note, shall be deemed
13 the amount due or collectible thereon or thereby, such figure
14 ordinarily being the face amount of the indebtedness less any
15 portion thereof which has been satisfied;

16 (b) The value of any other instrument which creates,
17 releases, discharges or otherwise affects any valuable legal
18 right, privilege or obligation shall be deemed the greatest
19 amount of economic loss which the owner of the instrument might
20 reasonably suffer by virtue of the loss of the instrument;

21 (3) When the value of property cannot be satisfactorily
22 ascertained pursuant to the standards set forth in subdivisions
23 (1) and (2) of this section, its value shall be deemed to be an
24 amount less than [one hundred fifty] five hundred dollars.

1 570.030. 1. A person commits the crime of stealing if he
2 or she appropriates property or services of another with the
3 purpose to deprive him or her thereof, either without his or her
4 consent or by means of deceit or coercion.

5 2. Evidence of the following is admissible in any criminal
6 prosecution under this section on the issue of the requisite
7 knowledge or belief of the alleged stealer:

8 (1) That he or she failed or refused to pay for property or
9 services of a hotel, restaurant, inn or boardinghouse;

10 (2) That he or she gave in payment for property or services
11 of a hotel, restaurant, inn or boardinghouse a check or
12 negotiable paper on which payment was refused;

13 (3) That he or she left the hotel, restaurant, inn or
14 boardinghouse with the intent to not pay for property or
15 services;

16 (4) That he or she surreptitiously removed or attempted to
17 remove his or her baggage from a hotel, inn or boardinghouse;

18 (5) That he or she, with intent to cheat or defraud a
19 retailer, possesses, uses, utters, transfers, makes, alters,
20 counterfeits, or reproduces a retail sales receipt, price tag, or
21 universal price code label, or possesses with intent to cheat or
22 defraud, the device that manufactures fraudulent receipts or
23 universal price code labels.

24 3. Stealing is a class D felony if the value of the

1 property or services is at least five hundred dollars but less
2 than seven hundred fifty dollars.

3 [3.] 4. Stealing is a class C felony if:

4 (1) The value of the property or services appropriated is
5 seven hundred fifty dollars or more; or

6 (2) The actor physically takes the property appropriated
7 from the person of the victim; or

8 (3) The property appropriated consists of:

9 (a) Any motor vehicle, watercraft or aircraft; or

10 (b) Any will or unrecorded deed affecting real property; or

11 (c) Any credit card or letter of credit; or

12 (d) Any firearms; or

13 (e) A United States national flag designed, intended and
14 used for display on buildings or stationary flagstaffs in the
15 open; or

16 (f) Any original copy of an act, bill or resolution,
17 introduced or acted upon by the legislature of the state of
18 Missouri; or

19 (g) Any pleading, notice, judgment or any other record or
20 entry of any court of this state, any other state or of the
21 United States; or

22 (h) Any book of registration or list of voters required by
23 chapter 115, RSMo; or

24 (i) Any animal of the species of horse, mule, ass, cattle,

1 swine, sheep, or goat; or

2 (j) Live fish raised for commercial sale with a value of
3 seventy-five dollars; or

4 (k) Any controlled substance as defined by section 195.010,
5 RSMo.

6 [4.] 5. If an actor appropriates any material with a value
7 less than one hundred fifty dollars in violation of this section
8 with the intent to use such material to manufacture, compound,
9 produce, prepare, test or analyze amphetamine or methamphetamine
10 or any of their analogues, then such violation is a class D
11 felony. The theft of any amount of anhydrous ammonia or liquid
12 nitrogen, or any attempt to steal any amount of anhydrous ammonia
13 or liquid nitrogen, is a class C felony. The theft of any amount
14 of anhydrous ammonia by appropriation of a tank truck, tank
15 trailer, rail tank car, bulk storage tank, field (nurse) tank or
16 field applicator is a class A felony.

17 [5.] 6. The theft of any item of property or services
18 [under] pursuant to subsection 3 of this section which exceeds
19 seven hundred fifty dollars may be considered a separate felony
20 and may be charged in separate counts.

21 [6.] 7. Any person with a prior conviction of paragraph (i)
22 of subdivision (3) of subsection [3] 4 of this section and who
23 violates the provisions of paragraph (i) of subdivision (3) of
24 subsection [3] 4 of this section when the value of the animal or

1 animals stolen exceeds three thousand dollars is guilty of a
2 class B felony.

3 [7.] 8. Any violation of this section for which no other
4 penalty is specified in this section is a class A misdemeanor.

5 570.080. 1. A person commits the crime of receiving stolen
6 property if for the purpose of depriving the owner of a lawful
7 interest therein, [he] the person receives, retains or disposes
8 of property of another knowing that it has been stolen, or
9 believing that it has been stolen.

10 2. Evidence of the following is admissible in any criminal
11 prosecution [under] pursuant to this section to prove the
12 requisite knowledge or belief of the alleged receiver:

13 (1) That [he] the person was found in possession or control
14 of other property stolen on separate occasions from two or more
15 persons;

16 (2) That [he] the person received other stolen property in
17 another transaction within the year preceding the transaction
18 charged;

19 (3) That [he] the person acquired the stolen property for a
20 consideration which [he] the person knew was far below its
21 reasonable value.

22 3. Receiving stolen property is a class A misdemeanor
23 unless the property involved has a value of [one] at least five
24 hundred [fifty] dollars but less than seven hundred fifty

1 dollars, in which case receiving stolen property is a class D
2 felony. If the property involved has a value of seven hundred
3 fifty dollars or more, or the person receiving the property is a
4 dealer in goods of the type in question, in which cases receiving
5 stolen property is a class C felony.

6 570.085. 1. A person commits the crime of alteration or
7 removal of item numbers if he, with the purpose of depriving the
8 owner of a lawful interest therein:

9 (1) Destroys, removes, covers, conceals, alters, defaces,
10 or causes to be destroyed, removed, covered, concealed, altered,
11 or defaced, the manufacturer's original serial number or other
12 distinguishing owner-applied number or mark, on any item which
13 bears a serial number attached by the manufacturer or
14 distinguishing number or mark applied by the owner of the item,
15 for any reason whatsoever;

16 (2) Sells, offers for sale, pawns or uses as security for a
17 loan, any item on which the manufacturer's original serial number
18 or other distinguishing owner-applied number or mark has been
19 destroyed, removed, covered, concealed, altered, or defaced; or

20 (3) Buys, receives as security for a loan or in pawn, or in
21 any manner receives or has in his possession any item on which
22 the manufacturer's original serial number or other distinguishing
23 owner-applied number or mark has been destroyed, removed,
24 covered, concealed, altered, or defaced.

1 2. Alteration or removal of item numbers is a class D
2 felony if the value of the item or items in the aggregate is [one
3 hundred fifty] five hundred dollars or more. If the value of the
4 item or items in the aggregate is less than [one hundred fifty]
5 five hundred dollars, then it is a class [B] A misdemeanor.

6 570.090. 1. A person commits the crime of forgery if, with
7 the purpose to defraud, [he] the person:

8 (1) Makes, completes, alters or authenticates any writing
9 so that it purports to have been made by another or at another
10 time or place or in a numbered sequence other than was in fact
11 the case or with different terms or by authority of one who did
12 not give such authority; or

13 (2) Erases, obliterates or destroys any writing; or

14 (3) Makes or alters anything other than a writing,
15 including receipts and universal product codes, so that it
16 purports to have a genuineness, antiquity, rarity, ownership or
17 authorship which it does not possess; or

18 (4) Uses as genuine, or possesses for the purpose of using
19 as genuine, or transfers with the knowledge or belief that it
20 will be used as genuine, any writing or other thing including
21 receipts and universal product codes, which the actor knows has
22 been made or altered in the manner described in this section.

23 2. Forgery is a class C felony.

24 570.120. 1. A person commits the crime of passing a bad

1 check when:

2 (1) With purpose to defraud, the person makes, issues or
3 passes a check or other similar sight order for the payment of
4 money, knowing that it will not be paid by the drawee, or that
5 there is no such drawee; or

6 (2) The person makes, issues, or passes a check or other
7 similar sight order for the payment of money, knowing that there
8 are insufficient funds in [that] the person's account or that
9 there is no such account or no drawee and fails to pay the check
10 or sight order within ten days after receiving actual notice in
11 writing that it has not been paid because of insufficient funds
12 or credit with the drawee or because there is no such drawee.

13 2. As used in subdivision (2) of subsection 1 of this
14 section, "actual notice in writing" means notice of the
15 nonpayment which is actually received by the defendant. Such
16 notice may include the service of summons or warrant upon the
17 defendant for the initiation of the prosecution of the check or
18 checks which are the subject matter of the prosecution if the
19 summons or warrant contains information of the ten-day period
20 during which the instrument may be paid and that payment of the
21 instrument within such ten-day period will result in dismissal of
22 the charges. The requirement of notice shall also be satisfied
23 for written communications which are tendered to the defendant
24 and which the defendant refuses to accept.

1 3. The face amounts of any bad checks passed pursuant to
2 one course of conduct within any ten-day period may be aggregated
3 in determining the grade of the offense.

4 4. A person does not commit the crime of passing a bad
5 check pursuant to this section if at the time the payee accepts a
6 check or similar sight order for the payment of money, he or she
7 does so with the understanding that the payee will not present it
8 for payment until later and the payee knows or has reason to
9 believe that there are insufficient funds on deposit with the
10 drawee at the time of acceptance. However, this subsection shall
11 not apply if the person's account on which the instrument was
12 written was closed by the consumer before the agreed upon date of
13 negotiation or the consumer has stopped payment on the check.

14 [4.] 5. Passing bad checks is a class A misdemeanor,
15 unless:

16 (1) The face amount of the check or sight order or the
17 aggregated amounts is [one] five hundred [fifty] dollars or more;
18 or

19 (2) The issuer had no account with the drawee or if there
20 was no such drawee at the time the check or order was issued, in
21 which cases passing bad checks is a class D felony.

22 [5.] 6. (1) In addition to all other costs and fees
23 allowed by law, each prosecuting attorney or circuit attorney who
24 takes any action pursuant to the provisions of this section shall

1 collect from the issuer in such action an administrative handling
2 cost. The cost shall be five dollars for checks of less than ten
3 dollars, ten dollars for checks of ten dollars but less than one
4 hundred dollars, and twenty-five dollars for checks of one
5 hundred dollars or more. For checks of one hundred dollars or
6 more an additional fee of ten percent of the face amount shall be
7 assessed, with a maximum fee for administrative handling costs
8 not to exceed fifty dollars total. Notwithstanding the
9 provisions of sections 50.525 to 50.745, RSMo, the costs provided
10 for in this subsection shall be deposited by the county treasurer
11 into a separate interest-bearing fund to be expended by the
12 prosecuting attorney or circuit attorney. The funds shall be
13 expended, upon warrants issued by the prosecuting attorney or
14 circuit attorney directing the treasurer to issue checks thereon,
15 only for purposes related to that previously authorized in this
16 section. Any revenues that are not required for the purposes of
17 this section may be placed in the general revenue fund of the
18 county or city not within a county.

19 (2) The moneys deposited in the fund may be used by the
20 prosecuting or circuit attorney for office supplies, postage,
21 books, training, office equipment, capital outlay, expenses of
22 trial and witness preparation, additional employees for the staff
23 of the prosecuting or circuit attorney and employees' salaries.

24 (3) This fund may be audited by the state auditor's office

1 or the appropriate auditing agency.

2 (4) If the moneys collected and deposited into this fund
3 are not totally expended annually, then the unexpended balance
4 shall remain in said fund and the balance shall be kept in said
5 fund to accumulate from year to year.

6 [6. Notwithstanding any other provisions of law to the
7 contrary, in addition to the administrative handling costs
8 provided for in subsection 5 of this section, the prosecuting
9 attorney or circuit attorney may, in his discretion, collect from
10 the issuer, in addition to the face amount of the check, a
11 reasonable service charge, which along with the face amount of
12 the check shall be turned over to the party to whom the bad check
13 was issued. If the prosecuting attorney or circuit attorney does
14 not collect the service charge and the face amount of the check,
15 the party to whom the check was issued may collect from the
16 issuer a reasonable service charge along with the face amount of
17 the check] 7. Notwithstanding any other provision of law to the
18 contrary:

19 (1) In addition to the administrative handling costs
20 provided for in subsection 5 of this section, the prosecuting
21 attorney or circuit attorney shall collect from the issuer, in
22 addition to the face amount of the check, a reasonable service
23 charge, which along with the face amount of the check, shall be
24 turned over to the party to whom the bad check was issued;

1 (2) If a check that is dishonored or returned unpaid by a
2 financial institution is not referred to the prosecuting attorney
3 or circuit attorney for any action pursuant to the provisions of
4 this section, the party to whom the check was issued, or his or
5 her agent or assignee, or a holder, may collect from the issuer,
6 in addition to the face amount of the check, a reasonable service
7 charge, not to exceed thirty dollars, plus an amount equal to the
8 actual charge by the depository institution for the return of
9 each unpaid or dishonored instrument.

10 [7.] 8. In all cases where a prosecutor receives notice
11 from the original holder that a person has violated this section
12 with respect to a payroll check or order, the prosecutor, if he
13 determines there is a violation of this section, shall file an
14 information or seek an indictment within sixty days of such
15 notice and may file an information or seek an indictment
16 thereafter if the prosecutor has failed through neglect or
17 mistake to do so within sixty days of such notice and if he
18 determines there is sufficient evidence shall further prosecute
19 such cases.

20 [8.] 9. When any financial institution returns a dishonored
21 check to the person who deposited such check, it shall be in
22 substantially the same physical condition as when deposited, or
23 in such condition as to provide the person who deposited the
24 check the information required to identify the person who wrote

1 the check.

2 570.123. In addition to all other penalties provided by
3 law, any person who makes, utters, draws, or delivers any check,
4 draft, or order for the payment of money upon any bank, savings
5 and loan association, credit union, or other depository,
6 financial institution, person, firm, or corporation which is not
7 honored because of lack of funds or credit to pay or because of
8 not having an account with the drawee and who fails to pay the
9 amount for which such check, draft, or order was made in cash to
10 the holder within thirty days after notice and a written demand
11 for payment, deposited as certified or registered mail in the
12 United States mail, or by regular mail, supported by an affidavit
13 of service by mailing, notice deemed conclusive three days
14 following the date the affidavit is executed, and addressed to
15 the maker and to the endorser, if any, of the check, draft, or
16 order at each of their addresses as it appears on the check,
17 draft, or order or to the last known address, shall, in addition
18 to the face amount owing upon such check, draft, or order, be
19 liable to the holder for three times the face amount owed or one
20 hundred dollars, whichever is greater, plus attorney fees
21 incurred in bringing an action pursuant to this section. Only
22 the original holder, whether the holder is a person, bank,
23 savings and loan association, credit union, or other depository,
24 financial institution, firm or corporation, may bring an action

1 under this section. No original holder shall bring an action
2 pursuant to this section if the original holder has been paid the
3 face amount of the check and costs recovered by the prosecuting
4 attorney or circuit attorney pursuant to subsection 6 of section
5 570.120. If the issuer of the check has paid the face amount of
6 the check and costs pursuant to subsection 6 of section 570.120,
7 such payment shall be an affirmative defense to any action
8 brought pursuant to this section. The original holder shall
9 elect to bring an action under this section or section 570.120,
10 but may not bring an action under both sections. In no event
11 shall the damages allowed under this section exceed five hundred
12 dollars, exclusive of attorney fees. In situations involving
13 payroll checks, the damages allowed under this section shall only
14 be assessed against the employer who issued the payroll check and
15 not against the employee to whom the payroll check was issued.
16 The provisions of sections 408.140 and 408.233, RSMo, to the
17 contrary notwithstanding, a lender may bring an action pursuant
18 to this section. The provisions of this section will not apply
19 in cases where there exists a bona fide dispute over the quality
20 of goods sold or services rendered.

21 570.125. 1. A person commits the crime of "fraudulently
22 stopping payment of an instrument" if he, knowingly, with the
23 purpose to defraud, stops payment on a check or draft given in
24 payment for the receipt of goods or services.

1 2. Fraudulently stopping payment of an instrument is a
2 class A misdemeanor, unless the face amount of the check or draft
3 is [one hundred fifty] five hundred dollars or more or, if the
4 stopping of payment of more than one check or draft is involved
5 in the same course of conduct, the aggregate amount is [one
6 hundred fifty] five hundred dollars or more, in which case the
7 offense is a class D felony.

8 3. It shall be prima facie evidence of a violation of this
9 section, if a person stops payment on a check or draft and fails
10 to make good the check or draft, or return or make and comply
11 with reasonable arrangements to return the property for which the
12 check or draft was given in the same or substantially the same
13 condition as when received within ten days after notice in
14 writing from the payee that the check or draft has not been paid
15 because of a stop payment order by the issuer to the drawee.

16 4. "Notice in writing" means notice deposited as certified
17 or registered mail in the United States mail and addressed to the
18 issuer at his address as it appears on the dishonored check or
19 draft or to his last known address. The notice shall contain a
20 statement that failure to make good the check or draft within ten
21 days of receipt of the notice may subject the issuer to criminal
22 prosecution.

23 570.130. 1. A person commits the crime of fraudulent use
24 of a credit device or debit device if the person uses a credit

1 device or debit device for the purpose of obtaining services or
2 property, knowing that:

3 (1) The device is stolen, fictitious or forged; or

4 (2) The device has been revoked or canceled; or

5 (3) For any other reason his use of the device is
6 unauthorized; or

7 (4) Uses a credit device or debit device for the purpose of
8 paying property taxes and knowingly cancels said charges or
9 payment without just cause. It shall be prima facie evidence of
10 a violation of this section if a person cancels said charges or
11 payment after obtaining a property tax receipt to obtain license
12 tags from the Missouri department of revenue.

13 2. Fraudulent use of a credit device or debit device is a
14 class A misdemeanor unless the value of the property tax or the
15 value of the property or services obtained or sought to be
16 obtained within any thirty-day period is [one hundred fifty] five
17 hundred dollars or more, in which case fraudulent use of a credit
18 device or debit device is a class D felony.

19 570.210. 1. A person commits the crime of library theft if
20 with the purpose to deprive, he:

21 (1) Knowingly removes any library material from the
22 premises of a library without authorization; or

23 (2) Borrows or attempts to borrow any library material from
24 a library by use of a library card:

1 (a) Without the consent of the person to whom it was
2 issued; or

3 (b) Knowing that the library card is revoked, canceled or
4 expired; or

5 (c) Knowing that the library card is falsely made,
6 counterfeit or materially altered; or

7 (3) Borrows library material from any library pursuant to
8 an agreement or procedure established by the library which
9 requires the return of such library material and, with the
10 purpose to deprive the library of the library material, fails to
11 return the library material to the library.

12 2. It shall be prima facie evidence of the person's purpose
13 to deprive the library of the library materials if, within ten
14 days after notice in writing deposited as certified mail from the
15 library demanding the return of such library material, he without
16 good cause shown fails to return the library material. A person
17 is presumed to have received the notice required by this
18 subsection if the library mails such notice to the last address
19 provided to the library by such person.

20 3. The crime of library theft is a class [C] D felony if
21 the value of the library material is [one hundred and fifty] five
22 hundred dollars or more; otherwise, library theft is a class [C]
23 A misdemeanor.

24 570.300. 1. A person commits the crime of theft of cable

1 television service if he:

2 (1) Knowingly obtains or attempts to obtain cable
3 television service without paying all lawful compensation to the
4 operator of such service, by means of artifice, trick, deception
5 or device; or

6 (2) Knowingly assists another person in obtaining or
7 attempting to obtain cable television service without paying all
8 lawful compensation to the operator of such service; or

9 (3) Knowingly connects to, tampers with or otherwise
10 interferes with any cables, wires or other devices used for the
11 distribution of cable television if the effect of such action is
12 to obtain cable television without paying all lawful compensation
13 therefor; or

14 (4) Knowingly sells, uses, manufactures, rents or offers
15 for sale, rental or use any device, plan or kit designed and
16 intended to obtain cable television service in violation of this
17 section.

18 2. Theft of cable television service is a class [C] D
19 felony if the value of the service appropriated is [one hundred
20 fifty] five hundred dollars or more; otherwise theft of cable
21 television services is a class A misdemeanor.

22 3. Any cable television operator may bring an action to
23 enjoin and restrain any violation of the provisions of this
24 section or bring an action for conversion. In addition to any

1 actual damages, an operator may be entitled to punitive damages
2 and reasonable attorney fees in any case in which the court finds
3 that the violation was committed willfully and for purposes of
4 commercial advantage. In the event of a defendant's verdict the
5 defendant may be entitled to reasonable attorney fees.

6 4. The existence on the property and in the actual
7 possession of the accused of any connection wire, or conductor,
8 which is connected in such a manner as to permit the use of cable
9 television service without the same being reported for payment to
10 and specifically authorized by the operator of the cable
11 television service shall be sufficient to support an inference
12 which the trial court may submit to the trier of fact, from which
13 the trier of fact may conclude that the accused has committed the
14 crime of theft of cable television service.

15 5. If a cable television company either:

16 (1) Provides unsolicited cable television service; or

17 (2) Fails to change or disconnect cable television service
18 within ten days after receiving written notice to do so by the
19 customer, the customer may deem such service to be a gift without
20 any obligation to the cable television company from ten days
21 after such written notice is received until the service is
22 changed or disconnected.

23 6. Nothing in this section shall be construed to render
24 unlawful or prohibit an individual or other legal entity from

1 owning or operating a video cassette recorder or devices commonly
2 known as a "satellite receiving dish" for the purpose of
3 receiving and utilizing satellite-relayed television signals for
4 his own use.

5 7. As used in this section, the term "cable television
6 service" includes microwave television transmission from a
7 multipoint distribution service not capable of reception by
8 conventional television receivers without the use of special
9 equipment.

10 575.150. 1. A person commits the crime of resisting or
11 interfering with arrest, stop, or detention if, knowing that a
12 law enforcement officer is making an arrest, or attempting to
13 lawfully detain or stop an individual or vehicle, or the person
14 reasonably should know that a law enforcement officer is making
15 an arrest or attempting to lawfully detain or lawfully stop an
16 individual or vehicle, for the purpose of preventing the officer
17 from effecting the arrest, stop or detention, the person:

18 (1) Resists the arrest, stop or detention of such person by
19 using or threatening the use of violence or physical force or by
20 fleeing from such officer; or

21 (2) Interferes with the arrest, stop or detention of
22 another person by using or threatening the use of violence,
23 physical force or physical interference.

24 2. This section applies to arrests, stops or detentions

1 with or without warrants and to arrests, stops or detentions for
2 any crime, infraction or ordinance violation.

3 3. [It is no defense to a prosecution pursuant to
4 subsection 1 of this section that the law enforcement officer was
5 acting unlawfully in making the arrest. However, nothing in this
6 section shall be construed to bar civil suits for unlawful
7 arrest.

8 4.] Resisting, by means other than flight, or interfering
9 with an arrest detention or stop for a felony, is a class D
10 felony[;]. Resisting an arrest by fleeing in such a manner that
11 the person fleeing creates a substantial risk of serious physical
12 injury or death to any person is a class D felony; otherwise,
13 resisting or interfering with arrest is a class A misdemeanor.

14 577.041. 1. If a person under arrest, or who has been
15 stopped pursuant to subdivision (2) or (3) of subsection 1 of
16 section 577.020, refuses upon the request of the officer to
17 submit to any test allowed pursuant to section 577.020, then none
18 shall be given and evidence of the refusal shall be admissible in
19 a proceeding pursuant to section 565.024 or 565.060, RSMo, or
20 section 577.010 or 577.012. The request of the officer shall
21 include the reasons of the officer for requesting the person to
22 submit to a test and also shall inform the person that evidence
23 of refusal to take the test may be used against such person and
24 that the person's license shall be immediately revoked upon

1 refusal to take the test. If a person when requested to submit
2 to any test allowed pursuant to section 577.020 requests to speak
3 to an attorney, the person shall be granted twenty minutes in
4 which to attempt to contact an attorney. If upon the completion
5 of the twenty-minute period the person continues to refuse to
6 submit to any test, it shall be deemed a refusal. In this event,
7 the officer shall, on behalf of the director of revenue, serve
8 the notice of license revocation personally upon the person and
9 shall take possession of any license to operate a motor vehicle
10 issued by this state which is held by that person. The officer
11 shall issue a temporary permit, on behalf of the director of
12 revenue, which is valid for fifteen days and shall also give the
13 person a notice of such person's right to file a petition for
14 review to contest the license revocation.

15 2. The officer shall make a [sworn] certified report to the
16 director of revenue in a format prescribed by the director, which
17 shall include the following:

18 (1) That the officer has:

19 (a) Reasonable grounds to believe that the arrested person
20 was driving a motor vehicle while in an intoxicated or drugged
21 condition; or

22 (b) Reasonable grounds to believe that the person stopped,
23 being under the age of twenty-one years, was driving a motor
24 vehicle with a blood alcohol content of two-hundredths of one

1 percent or more by weight; or

2 (c) Reasonable grounds to believe that the person stopped,
3 being under the age of twenty-one years, was committing a
4 violation of the traffic laws of the state, or political
5 subdivision of the state, and such officer has reasonable grounds
6 to believe, after making such stop, that the person had a blood
7 alcohol content of two-hundredths of one percent or greater;

8 (2) That the person refused to submit to a chemical test;

9 (3) Whether the officer secured the license to operate a
10 motor vehicle of the person;

11 (4) Whether the officer issued a fifteen-day temporary
12 permit;

13 (5) Copies of the notice of revocation, the fifteen-day
14 temporary permit and the notice of the right to file a petition
15 for review, which notices and permit may be combined in one
16 document; and

17 (6) Any license to operate a motor vehicle which the
18 officer has taken into possession.

19 3. Upon receipt of the officer's report, the director shall
20 revoke the license of the person refusing to take the test for a
21 period of one year; or if the person is a nonresident, such
22 person's operating permit or privilege shall be revoked for one
23 year; or if the person is a resident without a license or permit
24 to operate a motor vehicle in this state, an order shall be

1 issued denying the person the issuance of a license or permit for
2 a period of one year.

3 4. If a person's license has been revoked because of the
4 person's refusal to submit to a chemical test, such person may
5 petition for a hearing before a circuit or associate circuit
6 court in the county in which the arrest or stop occurred. The
7 person may request such court to issue an order staying the
8 revocation until such time as the petition for review can be
9 heard. If the court, in its discretion, grants such stay, it
10 shall enter the order upon a form prescribed by the director of
11 revenue and shall send a copy of such order to the director.
12 Such order shall serve as proof of the privilege to operate a
13 motor vehicle in this state and the director shall maintain
14 possession of the person's license to operate a motor vehicle
15 until termination of any revocation pursuant to this section.
16 Upon the person's request the clerk of the court shall notify the
17 prosecuting attorney of the county and the prosecutor shall
18 appear at the hearing on behalf of the director of revenue. At
19 the hearing the court shall determine only:

20 (1) Whether or not the person was arrested or stopped;

21 (2) Whether or not the officer had:

22 (a) Reasonable grounds to believe that the person was
23 driving a motor vehicle while in an intoxicated or drugged
24 condition; or

1 (b) Reasonable grounds to believe that the person stopped,
2 being under the age of twenty-one years, was driving a motor
3 vehicle with a blood alcohol content of two-hundredths of one
4 percent or more by weight; or

5 (c) Reasonable grounds to believe that the person stopped,
6 being under the age of twenty-one years, was committing a
7 violation of the traffic laws of the state, or political
8 subdivision of the state, and such officer had reasonable grounds
9 to believe, after making such stop, that the person had a blood
10 alcohol content of two-hundredths of one percent or greater; and

11 (3) Whether or not the person refused to submit to the
12 test.

13 5. If the court determines any issue not to be in the
14 affirmative, the court shall order the director to reinstate the
15 license or permit to drive.

16 6. Requests for review as provided in this section shall go
17 to the head of the docket of the court wherein filed.

18 7. No person who has had a license to operate a motor
19 vehicle suspended or revoked pursuant to the provisions of this
20 section shall have that license reinstated until such person has
21 participated in and successfully completed a substance abuse
22 traffic offender program defined in section 577.001, or a program
23 determined to be comparable by the department or the court.
24 Assignment recommendations, based upon the needs assessment as

described in subdivision (21) of section 302.010, RSMo, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517, RSMo. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.023, RSMo, or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a

1 motor vehicle. The respondent's personal appearance at any
2 hearing conducted pursuant to this subsection shall not be
3 necessary unless directed by the court.

4 8. The fees for the substance abuse traffic offender
5 program, or a portion thereof to be determined by the division of
6 alcohol and drug abuse of the department of mental health, shall
7 be paid by the person enrolled in the program. Any person who is
8 enrolled in the program shall pay, in addition to any fee charged
9 for the program, a supplemental fee of sixty dollars. The
10 administrator of the program shall remit to the division of
11 alcohol and drug abuse of the department of mental health the
12 supplemental fee for all persons enrolled in the program, less
13 two percent for administrative costs. The supplemental fees
14 received by the department of mental health pursuant to this
15 section shall be deposited in the mental health earnings fund
16 which is created in section 630.053, RSMo.

17 578.150. 1. A person commits the crime of failing to
18 return leased or rented property if, with the intent to deprive
19 the owner thereof, he purposefully fails to return leased or
20 rented personal property to the place and within the time
21 specified in an agreement in writing providing for the leasing or
22 renting of such personal property. In addition, any person who
23 has leased or rented personal property of another who conceals
24 the property from the owner, or who otherwise sells, pawns,

1 loans, abandons or gives away the leased or rented property is
2 guilty of the crime of failing to return leased or rented
3 property. The provisions of this section shall apply to all
4 forms of leasing and rental agreements, including, but not
5 limited to, contracts which provide the consumer options to buy
6 the leased or rented personal property, lease-purchase agreements
7 and rent-to-own contracts. For the purpose of determining if a
8 violation of this section has occurred, leasing contracts which
9 provide options to buy the merchandise are owned by the owner of
10 the property until such time as the owner endorses the sale and
11 transfer of ownership of the leased property to the lessee.

12 2. It shall be prima facie evidence of the crime of failing
13 to return leased or rented property when a person who has leased
14 or rented personal property of another willfully fails to return
15 or make arrangements acceptable with the lessor to return the
16 personal property to its owner at the owner's place of business
17 within ten days after proper notice following the expiration of
18 the lease or rental agreement, except that if the motor vehicle
19 has not been returned within seventy-two hours after the
20 expiration of the lease or rental agreement, such failure to
21 return the motor vehicle shall be prima facie evidence of the
22 intent of the crime of failing to return leased or rented
23 property. Where the leased or rented property is a motor
24 vehicle, if the motor vehicle has not been returned within

1 seventy-two hours after the expiration of the lease or rental
2 agreement, the lessor may notify the local law enforcement agency
3 of the failure of the lessee to return such motor vehicle, and
4 the local law enforcement agency shall cause such motor vehicle
5 to be put into any appropriate state and local computer system
6 listing stolen motor vehicles. Any law enforcement officer which
7 stops such a motor vehicle may seize the motor vehicle and notify
8 the lessor that he may recover such motor vehicle after it is
9 photographed and its vehicle identification number is recorded
10 for evidentiary purposes. Where the leased or rented property is
11 not a motor vehicle, if such property has not been returned
12 within the ten-day period prescribed in this subsection, the
13 owner of the property shall report the failure to return the
14 property to the local law enforcement agency, and such law
15 enforcement agency may within five days notify the person who
16 leased or rented the property that such person is in violation of
17 this section, and that failure to immediately return the property
18 may subject such person to arrest for the violation.

19 3. This section shall not apply if such personal property
20 is a vehicle and such return is made more difficult or expensive
21 by a defect in such vehicle which renders such vehicle
22 inoperable, if the lessee shall notify the lessor of the location
23 of such vehicle and such defect before the expiration of the
24 lease or rental agreement, or within ten days after proper

1 notice.

2 4. Proper notice by the lessor shall consist of a written
3 demand addressed and mailed by certified or registered mail to
4 the lessee at the address given at the time of making the lease
5 or rental agreement. The notice shall contain a statement that
6 the failure to return the property may subject the lessee to
7 criminal prosecution.

8 5. Any person who has leased or rented personal property of
9 another who destroys such property so as to avoid returning it to
10 the owner shall be guilty of property damage pursuant to section
11 569.100 or 569.120, RSMo, in addition to being in violation of
12 this section.

13 6. Venue shall lie in the county where the personal
14 property was originally rented or leased.

15 7. Failure to return leased or rented property is a class A
16 misdemeanor unless the property involved has a value of [one
17 hundred fifty] five hundred dollars or more, in which case
18 failing to return leased or rented property is a class [C] D
19 felony.

20 578.377. 1. A person commits the crime of unlawfully
21 receiving food stamp coupons or ATP cards if he knowingly
22 receives or uses the proceeds of food stamp coupons or ATP cards
23 to which he is not lawfully entitled or for which he has not
24 applied and been approved by the department to receive.

1 2. Unlawfully receiving food stamp coupons or ATP cards is
2 a class D felony unless the face value of the food stamp coupon
3 or ATP cards is less than [one hundred fifty] five hundred
4 dollars, in which case unlawful receiving of food stamp coupons
5 and ATP cards is a class A misdemeanor.

6 578.379. 1. A person commits the crime of conversion of
7 food stamp coupons or ATP cards if he knowingly engages in any
8 transaction to convert food stamp coupons or ATP cards to other
9 property contrary to statutes, rules and regulations, either
10 state or federal, governing the food stamp program.

11 2. Unlawful conversion of food stamp coupons or ATP cards
12 is a class D felony unless the face value of said food stamp
13 coupons or ATP cards is less than [one hundred fifty] five
14 hundred dollars, in which case unlawful conversion of food stamp
15 coupons or ATP cards is a class A misdemeanor.

16 578.381. 1. A person commits the crime of unlawful
17 transfer of food stamp coupons or ATP cards if he knowingly
18 transfers food stamp coupons or ATP cards to another not lawfully
19 entitled or approved by the department to receive the food stamp
20 coupons or ATP cards.

21 2. Unlawful transfer of food stamp coupons or ATP cards is
22 a class D felony unless the face value of said food stamp coupons
23 or ATP cards is less than [one hundred fifty] five hundred
24 dollars, in which case unlawful transfer of food stamp coupons or

1 ATP cards is a class A misdemeanor.

2 578.385. 1. A person commits the crime of perjury for the
3 purpose of this section if he knowingly makes a false or
4 misleading statement or misrepresents a fact material for the
5 purpose of obtaining public assistance if the false or misleading
6 statement is reduced to writing and verified by the signature of
7 the person making the statement and by the signature of any
8 employee of the Missouri department of social services. The same
9 person may not be charged with unlawfully receiving public
10 assistance benefits and perjury [under] pursuant to this section
11 when both offenses arise from the same application for benefits.

12 2. A statement or fact is material, regardless of its
13 admissibility under rules of evidence, if it could substantially
14 affect or did substantially affect the granting of public
15 assistance.

16 3. Knowledge of the materiality of the statement or fact is
17 not an element of this crime, and it is no defense that:

18 (1) The defendant mistakenly believed the fact to be
19 immaterial; or

20 (2) The defendant was not competent, for reasons other than
21 mental disability, to make the statement.

22 4. Perjury committed as part of a transaction involving the
23 making of an application to obtain public assistance is a class D
24 felony unless the value of the public assistance unlawfully

1 obtained or unlawfully attempted to be obtained is less than [one
2 hundred fifty] five hundred dollars in which case it is a class A
3 misdemeanor.

4 650.050. 1. The Missouri department of public safety shall
5 develop and establish a "DNA Profiling System", referred to in
6 sections 650.050 to 650.057 as the system to support criminal
7 justice services in the local communities throughout this state
8 in DNA identification. This establishment shall be accomplished
9 through consultation with the Kansas City, Missouri regional
10 crime laboratory, Missouri state highway patrol crime laboratory,
11 St. Louis, Missouri metropolitan crime laboratory, St. Louis
12 county crime laboratory, southeast Missouri regional crime
13 laboratory, Springfield regional crime laboratory, and the
14 Missouri Southern State College police academy regional crime
15 lab.

16 2. The DNA profiling system as established in this section
17 shall be compatible with that used by the Federal Bureau of
18 Investigation to ensure that DNA records are fully exchangeable
19 between DNA laboratories and that quality assurance standards
20 issued by the director of the Federal Bureau of Investigations
21 are applied and performed.

22 3. The DNA profiling system established by this section
23 shall include a separate statistical data base containing DNA
24 profiles of persons whose identity is unknown. Information in

1 this data base may be used for any legitimate law enforcement
2 purpose upon written request of any federal, state, or local law
3 enforcement agency, using the procedure provided by subsection 3
4 of section 650.055.

5 4. The DNA profiling system may charge a reasonable fee to
6 search and provide a comparative analysis of DNA profiles to any
7 law enforcement agency outside of this state.

8 650.055. 1. Every individual [convicted], in a Missouri
9 circuit court, [of a felony, defined as a violent offense under
10 chapter 565, RSMo, or as a sex offense under] who pleads guilty
11 to or is convicted of murder in the first degree, murder in the
12 second degree, voluntary manslaughter, involuntary manslaughter,
13 assault in the first degree, assault in the second degree,
14 unlawful endangerment of another, assault in the third degree,
15 domestic assault in the first degree, domestic assault in the
16 second degree, domestic assault in the third degree, assault
17 while on school property, assault of a law enforcement officer in
18 the first degree, assault of a law enforcement officer in the
19 second degree, assault of a law enforcement officer in the third
20 degree, tampering with a judicial officer, harassment, aggravated
21 harassment of an employee, elder abuse in the first degree, elder
22 abuse in the second degree, or elder abuse in the third degree,
23 incest, endangering the welfare of a child in the first degree,
24 abuse of a child, use of a child in sexual performance, promoting

1 sexual performance by a child, robbery in the first degree,
2 pharmacy robbery in the first degree, robbery in the second
3 degree, burglary in the first degree, burglary in the second
4 degree, tampering in the first degree, stealing, armed criminal
5 action, unlawful use of weapons, or of any sex offense pursuant
6 to chapter 566, RSMo, excluding sections 566.010 and 566.020,
7 RSMo, or of any attempt to commit any of the offenses listed in
8 this subsection shall have a blood or scientifically accepted
9 biological sample collected for purposes of DNA profiling
10 analysis:

11 (1) Upon entering the department of correction's reception
12 and diagnostic centers; or

13 (2) Before release from a county jail or detention
14 facility; or

15 (3) If such individual is under the jurisdiction of the
16 department of corrections on or after August 28, 1996. Such
17 jurisdiction includes persons currently incarcerated, persons on
18 probation, as defined in section 217.650, RSMo, and on parole, as
19 also defined in section 217.650, RSMo.

20 2. The Missouri state highway patrol and department of
21 corrections shall be responsible for ensuring adherence to the
22 law. Any person required to provide a DNA sample pursuant to
23 this section shall be required to provide such sample, without
24 the right of refusal, at a collection site designated by the

1 Missouri state highway patrol and the department of corrections.
2 Authorized personnel collecting or assisting in the collection of
3 samples shall not be liable in any civil or criminal action when
4 the act is performed in a reasonable manner. Such force may be
5 used as necessary to the effectual carrying out and application
6 of such processes and operations. The enforcement of these
7 provisions by the authorities in charge of state correctional
8 institutions and others having custody of those convicted of the
9 felony which shall not be set aside or reversed, is hereby made
10 mandatory.

11 3. The procedure and rules for the collection, analysis,
12 storage, expungement, use of DNA database records and privacy
13 concerns shall not conflict with procedures and rules applicable
14 to the Missouri DNA profiling system and the Federal Bureau of
15 Investigation's DNA data bank system. A written request to
16 analyze and compare DNA samples provided by any federal, state,
17 or local law enforcement agency with those in the Missouri DNA
18 profiling system shall be fulfilled if made by any federal,
19 state, or local law enforcement officers in furtherance of an
20 official investigation of any criminal offense. The name of the
21 requesting law enforcement official and the law enforcement
22 agency for which the request is made shall be maintained on file
23 by the DNA profiling system. Any person identified and charged
24 with an offense as a result of a search of the Missouri DNA

1 profiling system shall, upon written request, be provided a copy
2 of the relevant written search request made by law enforcement,
3 if the person submits a DNA sample which matches the requestor's
4 profile in the Missouri DNA profiling system. Upon showing by
5 the defendant in a criminal case that access to the Missouri DNA
6 profiling system is material to the investigation, preparation or
7 presentation of a defense at trial or in a motion for a new
8 trial, any court having jurisdiction in such case shall direct
9 the Missouri DNA profiling system to compare a DNA profile which
10 has been generated by the defendant through an independent test
11 against the profiling system, provided that such DNA has been
12 generated in accordance with standards for forensic DNA analysis
13 adopted pursuant to sections 650.050 to 650.057.

14 4. The name of a convicted offender whose profile is
15 contained in the data bases may be related to any other data
16 bases which are constructed for law enforcement purposes and may
17 be disseminated only for law enforcement purposes except as
18 otherwise provided by this section. Unauthorized uses or
19 dissemination of individually identifiable DNA information in a
20 database for purposes other than criminal justice or law
21 enforcement is a class A misdemeanor.

22 5. Upon written request of any person whose DNA profile has
23 been included in the Missouri DNA profiling system pursuant to
24 this section and whose relevant felony conviction has been

1 reversed, the system shall expunge the DNA profile of such person
2 from the system, and the Missouri DNA profiling system shall
3 purge all records and identifiable information in the system
4 pertaining to such person and destroy all samples from such
5 person.

6 6. Implementation of section 650.050 and this section shall
7 be subject to future appropriations to keep Missouri's DNA system
8 compatible with the Federal Bureau of Investigation's DNA data
9 bank system.

10 Section 1. 1. No person less than twenty-one years of age
11 shall dance in an adult cabaret as defined in section 573.500,
12 RSMo, nor shall any proprietor of such establishment permit any
13 person less than twenty-one years of age to dance in an adult
14 cabaret.

15 2. Any person who violates the provisions of subsection 1
16 of this section is guilty of a class A misdemeanor.

17 Section 2. 1. A person commits the crime of assault of an
18 athletic event participant if such person:

19 (1) Attempts to cause or knowingly causes physical injury
20 to an athletic event participant by means of a deadly weapon or
21 dangerous instrument;

22 (2) Recklessly causes serious physical injury to an
23 athletic event participant;

24 (3) While in an intoxicated condition or under the

1 influence of controlled substances or drugs, acts with criminal
2 negligence to cause physical injury to an athletic event
3 participant;

4 (4) Attempts to cause or recklessly causes physical injury
5 to an athletic event participant;

6 (5) With criminal negligence causes physical injury to an
7 athletic event participant by means of a deadly weapon;

8 (6) Purposely places an athletic event participant in
9 apprehension of immediate physical injury;

10 (7) Recklessly engages in conduct which creates a grave
11 risk of death or serious physical injury to an athletic event
12 participant; or

13 (8) Knowingly causes or attempts to cause physical contact
14 with an athletic event participant without the consent of the
15 athletic event participant.

16 2. As used in this section the following terms shall mean:

17 (1) "Athletic event", any interscholastic or intramural
18 athletic activity in a primary, middle, junior high or high
19 school, college, or university, any organized athletic activity
20 sponsored by a community, business, or nonprofit organization,
21 any athletic activity that is a professional or semiprofessional
22 event, and any other organized athletic activity in the state;

23 (2) "Athletic event participant", any person involved in an
24 athletic event as a player or serving in an official capacity

1 related to participation in or administration of the athletic
2 event.

3 3. Assault of an athletic event participant is a class A
4 misdemeanor unless committed pursuant to subdivision (1), (2), or
5 (3) of subsection 1 of this section in which case it is a class D
6 felony.

7 Section 3. Any person who is placed on probation or parole,
8 whether by the court or by the board of probation and parole,
9 shall be subject to search, without his or her consent and with
10 or without probable cause, during the term of his or her
11 probation or parole, at any place or any time, by any law
12 enforcement officer licensed pursuant to chapter 590, RSMo, or by
13 any probation and parole officer.

14 Section 4. In the event that any person, or entity, which
15 has entered into a contract with the state or any political
16 subdivision has been convicted or pled guilty to any felony or
17 has been found, or has admitted to be, in violation of any state
18 statute or regulation which relates to the performance of its
19 contract, then that person or entity will be prohibited for three
20 years from entering into any contracts with the state or any
21 political subdivision.

22 Section 5. 1. A person commits the crime of assault while
23 on the property of a hospital emergency room, or trauma center if
24 the person:

1 (1) Knowingly causes physical injury to another person; or

2 (2) With criminal negligence, causes physical injury to
3 another person by means of a deadly weapon; or

4 (3) Recklessly engages in conduct which creates a grave
5 risk of death or serious physical injury to another person; and

6 (4) The act occurred on hospital emergency room, or trauma
7 center property, or in a vehicle that at the time of the act was
8 in the service of a hospital emergency room, or trauma center.

9 2. Assault while on the property of a hospital emergency
10 room, or trauma center is a class D felony.

11 Section 6. 1. As used in this section, the following words
12 and phrases shall mean:

13 (1) "Clone a human being" or "cloning a human being",
14 genetic duplication or replication of a human being, whether
15 living or deceased, regardless of the stage of development of
16 such human being, from whom genetic material was donated or taken
17 in order to complete such duplication or replication;

18 (2) "Public employee", any person employed by the state of
19 Missouri or any agency or political subdivision thereof;

20 (3) "Public facilities", any public institution, public
21 facility, public equipment, or any physical asset owned, leased,
22 or controlled by the state of Missouri or any agency or political
23 subdivision thereof;

24 (4) "Public funds", any funds received or controlled by the

1 state of Missouri or any agency or political subdivision thereof,
2 including, but not limited to, funds derived from federal, state
3 or local taxes, gifts or grants from any source, public or
4 private, federal grants or payments, or intergovernmental
5 transfers.

6 2. No person shall knowingly clone a human being, or
7 participate in cloning a human being.

8 3. No person shall knowingly use public funds to clone a
9 human being or attempt to clone a human being.

10 4. No person shall knowingly use public facilities for the
11 purpose of cloning a human being or attempting to clone a human
12 being.

13 5. No public employee shall knowingly allow any person to
14 clone a human being or attempt to clone a human being while
15 making use of public funds or public facilities.

16 6. Violation of subsections 2 to 5 of this section shall be
17 a class B felony.